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# LITTELL'S LIVING AGE.

Fifth Series,  
Volume LIX. }

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{ From Beginning,  
Vol. CLXXIV.

## CONTENTS.

I. THE INTERNATIONAL LAW OF THE UNITED STATES, . . . . .	<i>Edinburgh Review</i> , . . . . .	515
II. MAJOR LAWRENCE, F.L.S. Part X., . . . . .	<i>Murray's Magazine</i> , . . . . .	532
III. MODERN HISTORIANS AND THEIR INFLUENCE ON SMALL NATIONALITIES, . . . . .	<i>Contemporary Review</i> , . . . . .	539
IV. MAJOR AND MINOR. By W. E. Norris. Part VIII., . . . . .	<i>Good Words</i> , . . . . .	547
V. SALVATION BY TORTURE AT KAIRWAN, . . . . .	<i>Fortnightly Review</i> , . . . . .	563
VI. THE DEFICIENCIES OF A "WELL-REGULATED MIND," . . . . .	<i>Spectator</i> , . . . . .	571
VII. THE CREATURES WE BREATHE, . . . . .	<i>Nineteenth Century</i> , . . . . .	573
POETRY.		
ODE TER DE FURS' WATER-MILLION, . . . . .	514   A DAY OF DAYS, . . . . .	514
MISCELLANY, . . . . .		576

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## TERMS OF SUBSCRIPTION.

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## ODE TER DE FURS' WATER-MILLION.

I WAS gwine frough de low groun's  
 Ob ole Mars' Jeames's farm,  
 My thoughts war melloncholly  
 Widout one sign o' harm,  
 When I heerd de leaves a-rustlin',  
 So young, an' fresh, an' green,  
 An' I seed a water-million —  
 What dey calls de Cuban Queen.  
 Water-million! water-million! you am de  
 grettis' prize  
 Dat I has seed dis lib-long year wid dese here  
 blessed eyes.

Her back wuz broad an' shiny,  
 Her stripes wuz dark an' light;  
 My mouf wuz boun' ter water,  
 Ter see dat lubly sight;  
 I stoop an' try to lif' her —  
 It took a lot er spunk;  
 So I thump her very gently,  
 An' she answer back, "Ker-plunk!"  
 Water-million! water-million! you am de  
 choices' prize  
 De bes' I seed dis lib-long year wid dese here  
 sinful eyes.

Dey sez dat for a lover,  
 'Tis mons'us hard to part  
 From her he lubs so dearly,  
 De darlin' ob his heart;  
 But to lef' dat water-million,  
 So juicy, crips, an' green! —  
 I tell yo' gals ain't nowhar,  
 For dat ar Cuban Queen!  
 Water-million! water-million! you am de  
 grettis' prize,  
 Dat I has seed dis many a year wid dese here  
 longin' eyes.

I cud a-took dat million  
 An kyard her right along;  
 But Mars' Jeames had'n tell me,  
 An 't mought ben kinder wrong.  
 For yo' knows I lubs ole marster,  
 An' likes to see him please;  
 An' I heerd de bulldawg Towser  
 Come a-sniffin' frough de trees.  
 Water-million! water-million! you am de  
 fines' prize,  
 Dat I has seed dis many a year wid dese here  
 mournful eyes.

I set down in my cabin,  
 An' I let my idees roam,  
 Ter try to circumambulate  
 Ter 'scort dat million home.  
 I sot down in de doorway  
 An' thunk, an' thunk, an' thunk;  
 But all de soun' dat I could hear  
 Were "Plunk! — ker-plunk! — ker-  
 plunk!"  
 Water-million! water-million! you am de  
 grandes' prize,  
 Dat I has seed dis lib-long year wid dese here  
 weepin' eyes.

Jes' like a streak ob lightnin'  
 De idee flash at las' —  
 De kollery am a-comin'  
 Wid stride hofe long an' fas';  
 An' kin I see ole marster  
 Jes streck down in he prime,  
 From eatin' water-million  
 In sech unhealthy time?  
 Water-million! water-million! you am a gor-  
 ghus prize,  
 De bes' I ever seed befo' wid dese here  
 anxious eyes.

De moon was shinin' arfter  
 One dese here longes' days,  
 De Cuban Queen was smilin'  
 An' flingin' back her rays.  
 I slips her gently in my bag,  
 An' slings her on my back, —  
 When — Gosh-a-Molly! Listen!  
*De bulldawg's on my track!*  
 Water-million! water-million! you am de  
 choices' prize  
 De bes' I seed dis lib-long year wid dese here  
 restless eyes.

Now Towser ain't no human,  
 So I doan take time to 'splain  
 De natur ob my sakkerfice,  
 (To folks it am quite plain).  
 So I jes projects a fence-rail  
 At Towser with a shout.  
 He aim to ketch my long coat-tail —  
 It war a round-about!  
 So I hugs my water-million, an' I slips home  
 wid my prize,  
 De bes' I ever seed befo' wid dese here  
 'sperienced eyes!

MRS. SARAH A. PEPLE.

Manchester, Va.

## A DAY OF DAYS.

EACH rose before the sun, and saw the moon  
 A slender golden curvature embost  
 On the green eastern sky, which brighten'd  
 soon  
 Till in its crimson wavelets she was lost,  
 And so began a perfect day of June.  
 The river sparkled, birds voiced, breezes  
 tost  
 A laughing world of flow'rs: blue shadows  
 crost  
 The sunshine of the long warm afternoon.

But who inherited this wondrous day?  
 Two happy lovers. It was made for them,  
 Of time not measured by the moon or  
 sun.  
 Both felt that it would never pass away.  
 And now, when music in the dusk was  
 done,  
 King Love had all the stars for diadem.

W. ALLINGHAM.

From The Edinburgh Review.  
THE INTERNATIONAL LAW OF THE  
UNITED STATES.\*

THIS work, which now lies before us, is another example of the superiority of American legal literature over that of this country. Among the numerous modern English works on municipal law, it is impossible not to be struck with the absence of that grasp of the subject and power of treatment which characterize the legal literature of the United States. If we look over the legal publications of recent years in this country, there are very few which have made a permanent mark — perhaps the two most noticeable are the "Digest of the Criminal Law," by Mr. Justice Stephen, and the late Mr. Benjamin's "Treatise on Sale." But to all intents and purposes the latter may be regarded as an American work, if we are comparing the legal literature of the United States and of Great Britain. The contrast is greater in the sphere of international law; and Dr. Wharton has now added another to the list of standard works which are chiefly associated with the names of Kent, Story, and Wheaton.

But though we primarily owe this work to the individual initiative of Dr. Wharton, we are indebted for its publication to the wisdom of the Senate and House of Representatives, by whom the printing of this "Digest" was ordered. The sources from which it is drawn are shortly and clearly explained in Dr. Wharton's preliminary remarks: —

The authorities on whom I have relied [he writes, Preliminary Remarks, p. viii.] are (1) Presidents' messages; (2) opinions and reports of Secretaries of State; (3) opinions of Attorneys-General; (4) opinions of Federal Courts; (5) papers emanating from the War, Navy, and Interior Departments; (6) unofficial letters of our leading statesmen, of which many of great importance are drawn from the Jefferson, Madison, and Monroe papers on deposit in the Department of State; (7) stand-

ard works on international law and history; as to the latter, I have, as a rule, confined myself to quotations from authors not readily accessible in this country.

So that whilst this book contains definite propositions of international law and conduct, as laid down by American judges and statesmen, and in this sense is essentially a digest of international law, it is at the same time a collection of public documents and extracts of the highest historical value. No more interesting volume has been published than this since the unrivalled papers of Hamilton, Madison, and Jay on the constitution of the United States saw the light in the *Federalist*.

The external history of the United States has been essentially, if we may so express it, a legal history; for the most important occurrences in connection with the relations between the republic and foreign powers have turned on questions of international law. Thus the most serious disputes in recent years with this country have depended on the construction of the Clayton-Bulwer treaty of 1850, on the right of the citizens of the United States to fish in Canadian waters, and of the United States to seize despatches and emissaries of a government with which they were at war, on a mail packet, which was raised in the affair of the Trent. Each one of these was in reality a question not of simple diplomacy, but of international law. Again, although the indisposition of the United States to tolerate French intervention in Mexico, in 1866, at first sight may be regarded as a question of political expediency and of possible injury to national interests, it also is concerned with a point of international law. "We recognize the right of sovereign nations to carry on war with each other, if they do not invade our right or menace our safety or just influence." In this very pithy sentence, in a despatch to M. de Monthon, on December 6, 1865, Mr. Seward practically rested the American case against the intervention of France in Mexican affairs on the principle of the Monroe doctrine. The most striking words of President Monroe's celebrated message were that his government "could not view any interposition for the purpose

\* *A Digest of the International Law of the United States, taken from Documents issued by Presidents and Secretaries of State, and from Decisions of Federal Courts and Opinions of Attorneys-General.* Edited by FRANCIS WHARTON, LL.D., Author of "A Treatise on Conflict of Laws," and of "Commentaries on American Law." In three vols. Washington, Government Printing Office: 1886.

of . . . controlling in any other manner their destiny (*i. e.*, of the South American States), by any European power, in any other light than as the manifestation of an unfriendly disposition towards the United States." So recently as January, 1883, Mr. Frelinghuysen refused to sanction an arbitration by European States for the settlement of South American difficulties, even with the consent of the parties, on the ground that "the decision of American questions pertains to America itself." This, again, was a question of the applicability of the Monroe doctrine to the particular subject. It has been said by some writers on international jurisprudence that the Monroe doctrine has not been accepted by the American people. Mr. Woolsey sums up his views by saying, "On the whole, then, (1) the doctrine is not a national one;" but a principle which has been acted on since the year 1823, it is true with greater stringency and force in some instances than in others, which has been the polestar of the American statesmen in their dealings with European powers in all matters connected with the intervention of such powers in the affairs of the American continent, must be regarded by the impartial observer not only as a national principle of policy, but as one which has had the most important consequences. We shall have occasion hereafter to point out how this doctrine has been the basis of later American action in regard to the matter of the Isthmus of Panama; we allude to it now in order to make good the position that the external policy of the United States has constantly involved the consideration of, and has primarily turned on, questions or principles of so-called international law. Thus, it must at once be obvious that the historical value of this "Digest" is great. It enables the student of history to grasp, from materials grouped in a convenient form, and of the highest authority, the principles held in the United States on questions of international law; it also places before him in a more or less consecutive form the actual progress of negotiations, and the course of questions, some of which have been under discussion for considerable periods.

In form, Dr. Wharton's work may in a few words be described as a series of propositions, either in the editor's own words, in the language of judicial decisions, or in the messages of presidents or secretaries of state. Sometimes these propositions are very short, and are to a certain extent exemplified by succeeding extracts from State papers. In other cases, a portion or the whole of a paper contains within itself both the proposition and the application of it to particular circumstances. For the purpose of making the nature of the work clearer, we extract the following example, not on account of its special or inherent importance, but in order that the form and arrangement of this "Digest" may be clearly understood:

The jurisdiction of every independent nation over the merchant vessels of other nations lying within its own harbors is absolute and exclusive. Nothing but its authority can justify a ship of war belonging to another nation in seizing or detaining a vessel thus situated for any cause or pretext whatever. . . . There is no power on earth which would assert this principle with more determination and energy than the United States, and therefore there is no power which ought more carefully to avoid any violation of it in their conduct towards other nations.—Mr. Buchanan, Secretary of State, to Mr. Wise, Sept. 27, 1845, MSS. Inst. Brazil. (Digest, vol. i., p. 117.)

The next proposition exemplifies the second description we have given above, since it is a despatch in 1873 from Mr. Fish to Mr. Schenck relative to an assumption of jurisdiction by the common-law courts in this country over disputes between masters and crews of American vessels. The despatch is too lengthy to be given in full, but the statements in it contain the view of the United States on this point of law, and the application of it by the secretary of state to the particular case to which his attention had been called. It would not, in our opinion, have been possible to improve on the form of this work or to make better use, within a reasonable space, of the materials to which Dr. Wharton has had access. Possibly greater facility of reference would exist had marginal notes been employed by the editor in certain parts, as for instance in

regard to the treaties. This is, after all, a minor criticism, but it is not without value in view of the publication in this country of a similar work at some future time. There is no reason, so far as we are aware, why such a book should not be compiled here; it would be of the greatest use to politicians and publicists, without taking into account the requirements of teachers and students of international law. The nearest approach to any work of this kind in this country is Mr. Forsyth's collection of cases and opinions on constitutional law, which in some instances touch on questions of international law. But at present we are wholly without such a work as that before us, and the student of international law in this country has only the ponderous and comprehensive work of Sir Robert Phillimore, or the more concise and elementary work of Mr. Hall, together with other works of a similar character, or monographs on some special subject. A work which shall contain at once an authoritative exposition of international law and documentary extracts from State papers has in this country yet to be written.

Dr. Wharton's "Digest" enables us to follow with ease the remarkable conflict of opinion on the Clayton-Bulwer treaty which has existed for many years, and which began with the negotiations between Great Britain and the United States relating to the canal which in 1849 it was proposed to construct from the Atlantic to the Pacific by way of the river San Juan de Nicaragua and either or both of the lakes of Nicaragua and Managua. These differences the Clayton-Bulwer treaty was to end. On the contrary, it has formed a battle-ground for diplomatists since it came into existence in 1850, and has exercised the ingenuity of publicists from the date of its promulgation to the present time.

When the Clayton-Bulwer treaty was concluded, no doubt the only canal then in contemplation was that through Nicaragua; on the other hand, there was already in existence a scheme for a railway across the isthmus. But it is obvious that a railway from ocean to ocean cannot have the same international importance as a canal

capable of being used by seagoing vessels. We may leave out of consideration the questions which have arisen under the treaty as to the British protectorate of the Mosquito Indians, and the Bay Islands and the British settlements in Belize or British Honduras. These are now settled and done with, and they have not the permanent interest and importance which attach to the question of the control of an interoceanic canal. As we have already pointed out, it has been a permanent guiding principle with American politicians, as enunciated by President Monroe, that no European State has a right to interfere in the affairs of Central America. We may observe in passing that the principle of the doctrine, so far as Great Britain is concerned, is scarcely applicable. For she is in one sense an American power, and is vitally interested in the affairs of the American continent. It is of as much importance to her as to the United States, that if an interoceanic canal be constructed, she should have free access by it from ocean to ocean. That this was the view of American statesmen in 1850 there can be no question, otherwise the Clayton-Bulwer treaty would never have been entered into. For it is a clear infraction of the Monroe doctrine if the latter is held to exclude the intervention of Great Britain in American affairs.

The preamble of the Clayton-Bulwer treaty runs thus: "That the contracting parties, being desirous of consolidating the relations of amity which so happily subsist between them by setting forth and fixing in a convention their views and intentions with reference to any means of communication by ship canal which may be constructed between the Atlantic and Pacific Oceans, by way of the river San Juan de Nicaragua and either or both of the lakes of Nicaragua or Managua to any port or place on the Pacific Ocean." They proceed to agree as follows:—

Article I.: The Governments of the United States and of Great Britain hereby declare that neither the one nor the other will ever obtain or maintain for itself any exclusive control over the said ship canal; agreeing that neither will ever erect or maintain any fortifications commanding the same or in the



vicinity thereof, or occupy, or fortify, or colonize, or assume or exercise any dominion over Nicaragua, Costa Rica, the Mosquito coast, or any part of Central America; . . . nor will the United States or Great Britain take advantage of any intimacy or use any alliance, connection, or influence, that either may possess with any State or Government through whose territory the said canal may pass, for the purpose of acquiring or holding, directly or indirectly, for the citizens or subjects of the one, any rights or advantages in regard to commerce or navigation through the said canal which shall not be offered on the same terms to the citizens or subjects of the other.

The material part of Article V. is that

the contracting parties further engage: "That when the said canal shall have been completed they will protect it from interruption, seizure, or unjust confiscation, and that they will guarantee the neutrality thereof, so that the said canal may be forever open and free, and the capital invested therein secure."

In order to obtain a full grasp of the principle on which the Clayton-Bulwer treaty was based, it is also necessary to quote Article VIII., which like the other articles will be found in full in Dr. Wharton's "Digest" (vol. ii., p. 150 f.).

The Governments of the United States and Great Britain [so it runs] having not only desired, in entering into this convention, to accomplish a particular object, but also to establish a general principle, they hereby agree to extend their protection by treaty stipulations to any other practicable communications, whether by canal or railway, across the isthmus which connects North and South America, and especially to the interoceanic communications, should the same prove to be practicable, whether by canal or railway, which are now proposed to be established by the way of Tehuantepec or Panama. (Digest, vol. ii., p. 186.)

There then follow stipulations that the two governments shall approve the charges or conditions of traffic on these waters as equitable, and that, being open to the subjects of Great Britain and the United States, they shall also be open on like terms to the subjects of any other State willing to grant the same protection as these two nations.

These articles seem to admit in the clearest possible terms the principle that Great Britain and the United States have an equal interest in any canal which may be carried across the isthmus, and as a consequence that the Monroe doctrine does not apply to this country. The reasonable result of the admission of such a principle would be that over all future projects Great Britain and the United

States should exercise a joint protection, since the same reasons which made the principle applicable to the particular canal through Nicaragua, or to a particular railway or canal then contemplated, would also apply to a canal constructed at a future time through another part of the isthmus. In support of this view we are content to quote the words of Mr. Phelps, the present minister of the United States in this country, from a communication to Lord Rosebery relative to the treaty of 1818 as to the fishery rights of the citizens of the United States. As a general proposition it is equally applicable to the Clayton-Bulwer treaty.

It seems to me clear that the treaty must be construed in accordance with those ordinary and well-settled rules applicable to all written instruments, which without such salutary assistance must constantly fail of their purpose. By these rules the letter often gives way to the intent, or rather is only used to ascertain the intent. The whole document will be taken together, and will be considered in connection with the attendant circumstances, the situation of the parties, and the object in view. And thus the literal meaning of an isolated clause is often shown not to be the meaning really understood or intended. (United States, No. i. 1887, C. 4937, p. 59.)

Construed technically there can be no question that the Clayton-Bulwer treaty refers only to the Nicaraguan canal and to projects then contemplated.

The Clayton-Bulwer treaty was concluded to secure a thing which did not exist and which now never can exist. It was to secure the construction of a canal under the grant of 1849 from Nicaragua that the United States consented to waive the exclusive and valuable rights which have been given to them; that they consented to agree with Great Britain that they would not occupy, fortify, colonize, or assume dominion over any part of Central America; and that they consented to admit her Majesty's Government at some future day to a share in the protection which they have exercised over the isthmus of Panama. — Mr. Frelinghuysen to Mr. Lowell, May 8, 1882. (Digest, vol. ii., p. 227.) In my No. 368 . . . it was shown that while the parties interested agreed in Art. VIII. to extend, by future treaty stipulations, their protection over other communications across the isthmus, the immediate object of the article was the protection of the communication "*now*" (1850) proposed to be established by the way of Tehuantepec or Panama. — Same to same, May 5, 1883. (Digest, vol. ii., p. 230.)

These extracts contain, as it appears to us, in brief the American case, and technically, as we have said, that case is

sound. "Now," it is clear, does not technically mean "in the future;" but when we read this treaty by the light of Mr. Phelps's gloss, when we read Mr. Frelinghuysen's special pleading by Mr. Phelps's broader, more liberal and statesmanlike proposition, it seems equally certain that in principle the contention of the government of Great Britain is correct, and that if the principle of the Clayton-Bulwer treaty is equitably carried out this country should have authority with the United States over any canal across the Isthmus of Panama.

In truth the United States in this matter are again reverting to the Monroe doctrine, and the desire of American statesmen now is to render inoperative the departure from that doctrine, or the exemption from it of Great Britain whichever it may be called, to which the Clayton-Bulwer treaty bears perpetual witness. Nothing can be more marked than the contrast of some presidential messages on this question, as printed in Dr. Wharton's volumes, with the articles of the treaty which we have already given.

The policy of this country is a canal under American control. The United States cannot consent to the surrender of this control to any European power or to any combination of European powers. — President Hayes, Message March 8, 1880. (Digest, vol. iii., p. 3.)

The existing American view is summed up by Dr. Wharton quite clearly, quite adversely to the case of Great Britain, and in a spirit entirely contrary to that which dictated the Clayton-Bulwer treaty. As summarizing the American case his views may be usefully quoted.

For Great Britain to assume in whole or in part the protectorate of the isthmus or of an interoceanic canal, viewing the term protectorate in the sense in which she viewed it in respect to the Belize and the Mosquito country, would be to antagonize the Monroe doctrine; and for the United States to unite with her in such a protectorship would be to connive at such an antagonism. The Clayton-Bulwer treaty, if it were to be construed so as to put the isthmus under the joint protectorate of Great Britain and the United States, would not only conflict with the Monroe doctrine, by introducing a European power into the management of the affairs of this continent, but it would be a gross departure from those traditions, consecrated by the highest authorities to which we can appeal, by which we are forbidden to enter into "entangling alliances" with European powers. (Digest, vol. ii., p. 243.)

But this, it is obvious, is only one way of saying that the Clayton-Bulwer treaty

was — if we may so express ourselves — wrongly entered into; it is reasoning against the principle of the treaty. That reasoning might have had some force as against entering into the treaty at all, but it carries no real weight against the fair fulfilment of its principle. Great Britain in entering into that international engagement expected thereby to settle once and for all disputes as to the basis on which the relations between this country and the United States in regard to interoceanic communication were to rest.

As the case now stands [writes Sir H. Bulwer to Lord Palmerston on April 28, 1850] it is clearly understood that her Majesty's Government holds by its own opinions already expressed as to Mosquito, and that the United States does not depart from its opinion also already expressed as to the same subject; but the main question of the canal being settled on an amicable basis, and the future relations of the United States and Great Britain being regulated in all other parts of Central America, the discussion of this difference, which has lost its great practical importance, is avoided in an arrangement meant to be as much as possible of a perfectly friendly character. (Digest, vol. ii., p. 189.)

In this hope Great Britain has been disappointed. Her appeals to principle have been met by technical pleas as narrow and ingenious as any which delighted a special pleader at Westminster. Almost the only words indicative of a less selfish and less restricted view of the interoceanic communication were those of President Cleveland in his message of 1885, wherein he tells the American nation that the highway "across the barrier dividing the two greatest maritime areas of the world must be for the world's benefit, a trust for mankind, to be removed from the chance of domination by any single power." But these words are wholly opposed to the expressions of his predecessors, of American statesmen and publicists, and though they raise a hope that negotiations on this question may be carried on in this spirit, the general tenor of American thought and action on the isthmian question since 1850 does not greatly encourage the belief that the statesmen of the United States will approach the settlement of this question in a broad and unselfish spirit.

In his eleventh chapter Dr. Wharton deals with the subject of extradition, and the several sections of it show with sufficient clearness the principles of American law, and the practice in regard to extradition in the United States. Jurists have from time to time differed as to whether,

irrespective of treaties, one State is bound to deliver up to another fugitive criminals from the latter, or whether it should only as a matter of international comity surrender them on request when there is no reasonable ground for refusal. It has always seemed to be the idlest of assertions to say that a State is bound to do this, since there is no superior power to enforce the obligation. Putting this somewhat academical question, however, on one side, the law of the United States on this fundamental point is thus concisely summed up by the editor: "As a general rule there can be no extradition to a foreign State without treaty."\* That there have been exceptions to this general rule is, however, equally certain. The most noteworthy instance is that in the case of Arguelles, in 1864, who was surrendered to the Spanish government by Mr. Seward, although no treaty existed at the time between the two nations. Not only was this done, but the secretary of state laid his view of the law before the judiciary committee of the House of Representatives. In this paper Mr. Seward clearly expressed an opinion that there was "a national obligation and authority for the extradition of criminals," that the exercise of it rested with the president, and that the rule by which he was to be guided in wielding this authority was whether the fact of the alleged criminality involved "heinous guilt against the law of universal morality and the safety of human society, and the gravity of the consequences which will attend the exercise of the power in question or its refusal." A resolution condemning Mr. Seward's act was negatived in the House of Representatives; but though that body refused to condemn the official conduct of the secretary of state, such negative action cannot necessarily be construed into an approval of the principle enunciated and acted upon by Mr. Seward. It is true that it is supported, or perhaps more accurately may be said to be based on, the authority of so eminent a lawyer as Chancellor Kent, who, in the well-known case of Washburn,† laid it down that it was "the law and usage of nations, resting on the plainest principles of justice and public utility, to deliver up offenders charged with felony and other high crimes, and fleeing from the country in which the crime was committed into a foreign and friendly jurisdiction." That the chancellor was enunciating a principle acted on

from time to time by various European nations is certain, and, as we have seen, the principle has formed a guiding rule for one eminent secretary of state at least. On the other hand, when Mr. Frelinghuysen speaks, in his report of February, 1884,\* of "the long and uniform course of decisions which holds that the president, in the absence of legislation and treaty, has not the power to enforce that doctrine," *i.e.*, of the surrender of fugitive criminals, he undoubtedly expresses more correctly than his predecessor the general rule of the United States. It has also the advantage of being a very recent assertion of the law in a lengthy and well-considered State paper. It is consistent, for example, with the position taken up by Mr. Davis in his correspondence with the Belgian government (at a time intermediate between Mr. Seward's and Mr. Frelinghuysen's tenure of office), in regard to the case of the German Vogt, and with the official conduct of other secretaries of state. On the other hand, as undoubtedly criminals from force of international comity may be surrendered without a treaty, the doctrine generally accepted and acted on in the United States, by which the agreement contained in a treaty is the only cause of the extradition, would seem to proceed as much too far in one direction as those writers have gone in the other who have argued that a State is under an obligation to surrender fugitive criminals. For a treaty of extradition must be considered as formulating the practice, making certain the methods of extradition; in one word, reducing the uncertain rules of general international comity to a precise code, which is as between two particular nations a special agreement, not, however, necessarily exclusive of cases which may not fall within it, or of extradition in cases where no treaty exists.

The length to which the statesmen and lawyers of the United States have gone in this respect has produced a curious consequence. "America has never desired," says Sir E. Clarke in his work on extradition, "to make, or been willing to admit, this reservation, which, however, is insisted on by the majority of European nations," *viz.*, to refuse to surrender criminals citizens of the asylum State. Dr. Wharton heads s. 273 on this point with the clear proposition, "No defence that defendant is citizen of asylum State." But on the same page is a reference to

\* Digest, vol. ii., p. 744.

† 4 Johnson's Chancery Reports, p. 103.

\* Digest, vol. ii., p. 751.

Mr. Frelinghuysen's report from which we have already quoted, and in it occurs this significant passage:—

Thus it appears that by the opinions of several Attorneys-General, by the decisions of our courts, and by the ruling of the Department of State, the President has not, independent of treaty provision, the power of extraditing an American citizen, and the only question to be considered is whether the treaty with Mexico confers that power. (*Digest*, vol. ii., p. 752.)

Mr. Frelinghuysen's conclusion was that where a treaty confers on a president no affirmative power to surrender a criminal, one not within that power cannot be surrendered. This position is in reality based on the broader doctrine, which we have already criticised, that except by agreement under treaty the United States cannot surrender a fugitive criminal. But the carrying out of this principle to its logical conclusion prevents the United States from acting on the other and more liberal doctrine that fugitive American citizens may be surrendered to the demanding State. That principle is embodied in treaties with Great Britain, France, and Italy. But the inclusion in a treaty of the very common clause that "neither of the contracting parties shall be bound to deliver up its own citizens under the stipulation of this treaty," has from time to time to be inserted in accordance with the prejudices of some nations. Yet so soon as the clause is part of a treaty, a conflict at once arises between the liberal view of the United States on this point and the more narrow doctrine that a treaty is the basis of extradition. The consequence is, as we have seen, that the narrower but more fundamental doctrine nullifies the more liberal and common-sense one, and so the practice of extradition in an important particular is adversely affected. We may have a pardonable national satisfaction in knowing that in this country the more liberal view may be regarded as the law. The report of the Extradition Commission in 1878 approved and urged the adoption of this principle. It was subsequently embodied in a treaty between Great Britain and Spain, though this was only operative so far as the former country was concerned. It is by the adoption of a similar clause in treaties between the United States and foreign powers which are very jealous of the rights of their citizens that the conflicting principles of American law can be prevented from

clashing. The more easy become methods of communication between nation and nation, the greater becomes the necessity that criminals should feel that so far as they are concerned the reign of law has no bounds. That a Spaniard should be able to commit a murder in America, and on taking refuge in Spain should find a secure asylum there, is wholly opposed to the well-being of society; and as the United States approve in principle of the surrender of fugitive criminals who are American citizens, that doctrine should find practical expression in each of their treaties of extradition.

A very short space is given by Dr. Wharton to the subject of the extradition of fugitives charged with offences of a political character. This is natural, because it has been a well and long accepted principle of the law of the United States from the beginning of its existence as an independent power that there could be no extradition for political offences.

Most codes extend their definitions of treason to acts not really against one's country. They do not distinguish between acts against the Government and acts against the oppressions of the Government. The latter are virtues, yet have furnished more victims to the executioner than the former. . . . The unsuccessful strugglers against tyranny have been the chief martyrs of treason laws in all countries. . . . Treasons then, taking the simulated with the real, are sufficiently punished by exile.—Mr. Jefferson, Secretary of State, to Messrs. Carmichael and Short, March 22, 1792. (*Digest*, vol. ii., p. 805.)

The principles upon which these instructions were based have been approved by later American statesmen, and have remained unaltered to the present day. Governments less friendly to freedom in the past than the United States have not been unwilling to surrender political fugitives: as Russia, Austria, and some of the German powers. But the law of extradition—like every other system of jurisprudence, international or municipal—is in a state of change and development, and its principles and practice must be moulded according to the course of events. Hence it is matter for serious consideration whether the day has not arrived when this hard and fast rule, common both to this country and the United States, should be altered. It is worthy of remark that in the dictum of Mr. Jefferson, which we have just quoted, a distinction is drawn between acts against a government and those against the oppressions of the government. There appears, however, to be



a marked and well-defined difference between acts directly done for the purpose of changing the government or of altering the laws, and those which may be described as acts of mere wantonness, or not done with an immediate and clear political object, though the authors ascribe them to a political motive. The men who murdered Mr. Burke in the Phoenix Park may say they had a political motive, but the crime was not committed with a direct political object; it was not done with the direct intention of changing the government or of altering the laws; at the best it was an act of political hatred and revenge. Or, again, property may be injured or destroyed for the purpose of what may be termed national intimidation, without the faintest intention on the part of the authors of obtaining any immediate and direct constitutional change. It may be ascribed to political motives, but the act is in reality no more a political crime than is the burning of a rick of straw by an agricultural laborer. On this point it is pertinent to quote the recommendation of the royal commission in 1878.

But it becomes a very different thing when in furtherance of some political or pretended political purpose some foul crime, such as assassination or incendiarism, is committed. Thus attempts by conspirators to assassinate a reigning sovereign, regardless, perhaps, that in doing so other lives may be sacrificed, or the setting fire to a prison at the risk of burning all those within it, or the murder of the police for the purpose of rescuing prisoners in custody for political offences, are crimes in respect of which, though the motive was a political one, we cannot think that any immunity should be afforded. Civil war and insurrection take place openly, in the face of day, and may or may not be justified or excused by circumstances; but assassination or other forms of revolting crime lose none of their atrocity from their connection with political motive. Generally speaking, we would, therefore, decline to recognize the suggestion of a political motive as a ground on which a magistrate or judge should refuse a demand for the surrender of a person accused of what (in the absence of such motive) would be an ordinary crime, unless the act to which a political character was sought to be ascribed occurred during a time of civil war or open insurrection. Cases, however, may occur in which it would be undesirable to surrender a person accused of a crime instigated by a political motive, even though a magistrate or judge could not pronounce that there existed either civil war or open insurrection, and consequently could not discharge the accused as of right. To meet this possibility, a discretionary power in favor of the prisoner should be reserved to the Government to refuse to deliver up a per-

son so accused. (Report of Royal Commission on Extradition, 1878, sect. iii.)

But it is obvious that so far as regards the United States this recommendation is useless, because, as we have already seen, that government considers itself bound to refuse to surrender a fugitive criminal except under the express agreement of a treaty. So that to leave the government of the United States a free hand would be absolutely useless. If, therefore, extradition for some so-called political crimes, which are not such in an accurate sense, is to be entertained, it can—as between Great Britain and the United States—only be by means of a positive and clear understanding. Practically the two crimes which have to be provided for are murder, and the destruction or injury of property, and it ought not to be impossible for the United States and Great Britain to arrive at an understanding and conclude an agreement on this subject. Such an arrangement ought to be comparatively easy of attainment between two countries which have always been the first to allow their soil to be a refuge for genuine political fugitives. For neither country would allow its soil to be made an asylum for those who have perpetrated outrages which they ascribe to political motives, but which are in reality in no sense political crimes. If the assassins of President Lincoln and President Garfield had escaped to Canada, we presume that the United States would have held they had strong grounds to demand their extradition.

The question of extradition is in some respects affected by that of naturalization, since, as we have seen, the fact that a fugitive criminal is a citizen of the State from which his extradition is required has often an important bearing on the reply to the demand. There was a fundamental rule of English law which was expressed in the maxim, *Nemo potest exuere patriam*. In 1797 Lord Grenville laid it down that

no British subject can, by such a form of renunciation as that which is prescribed in the American law of naturalization, divest himself of his allegiance to his sovereign. Such a declaration of renunciation made by any of the King's subjects would, instead of operating as a protection to them, be considered an act highly criminal on their part. (Digest, vol. ii., p. 309.)

And this, though perhaps not in quite so stringent a form, was the recognized doctrine of English law until the passing of the Naturalization Act in 1870. The sixth



section of that statute placed the principle of law on altogether a different basis.

Any British subject who has at any time before, or may at any time after, the passing of this Act, when in any foreign state and not under any disability, voluntarily become naturalized in such state, shall, from and after the time of his so having become naturalized in such foreign state, be deemed to have ceased to be a British subject, and be regarded as an alien.

That this act was to some extent caused by the existing law in the United States can scarcely be doubted. It is true that a royal commission, of which the late Lord Clarendon was chairman, recommended the alteration of the law; but two years before this act was passed an agreement was entered into between Great Britain and the United States that the change should be brought before Parliament. But not only did there exist the example of the United States, and a strong desire on the part of the government of that country that our law should be placed on the same footing as theirs, but there was the practical inconvenience arising from the state of the law of England in regard to emigrants beyond the Atlantic. "Over hundreds of thousands of persons, perhaps millions," said the late Lord Derby on the second reading of the bill, "now permanently settled in the United States, we had legal rights which it was notoriously impossible to enforce; while they in return had a right to claim from us a protection which it was notoriously impossible for us to afford." Thus we have here an instance of the manner in which circumstances affect the principles of law; for the law of the United States and the increase of emigration combined to put an end to a feudal doctrine which had long formed an integral rule of the English common law. Not, however, that at the beginning of their existence as an independent power the United States broke away from the doctrine of the mother country. It was not until July 27, 1868, that by an act of Congress it was declared that "the right of expatriation is a natural and inherent right of all people, indispensable to the enjoyment of the right of life, liberty, and the pursuit of happiness," and that "any declaration, instruction, opinion, order, or decision of any officer of this government which denies, restricts, impairs, or questions the right of expatriation is hereby declared inconsistent with the fundamental principles of this government." Long before this decided declaration of principle once

and for all settled the law of the United States, eminent American authorities had upheld the English doctrine. No doubt, so far back as the year 1842 Mr. Webster appears to regard the law from the modern standpoint:—

It is true [he writes] that there are governments which assert the principle of perpetual allegiance; yet even in cases where this is not rather a matter of theory than of practice, the duties of this supposed continuing allegiance are left to be demanded of the subject himself, when within the reach of the power of his former government, and as exigencies may arise, and are not attempted to be enforced by the imposition of previous restraint preventing men from leaving their country. (*Digest*, vol. ii., p. 310.)

But such an exposition as this does not settle the law with the conclusiveness of an act of Congress, and it was not till the emphatic declaration of 1868 that the law of the United States on this point became fixed and settled, and was thenceforth by the persistent efforts of American statesmen to affect that of some European States, as undoubtedly it will ultimately do that of every civilized nation.

It is well that a broad question of principle should, as regards Great Britain and the United States, have been settled in a clear and rational manner. It would be yet more satisfactory were the law of domicile in some of its international bearings equally certain. The American doctrine on this point seems first to have been definitely formulated by Mr. Marcy in 1853 in the famous case of *Koszta*. That doctrine is best expressed in the language of the secretary of state himself.

Mr. Hülsenmann, as the undersigned believes, falls into a great error, an error fatal to some of his most important conclusions, by assuming that a nation can properly extend its protection only to native-born or naturalized citizens. This is not the doctrine of international law, nor is the practice of nations circumscribed within such narrow limits. This law does not, as has been before remarked, complicate questions of this nature by respect for municipal codes. In relation to this subject it has clear and distinct rules of its own. It gives the national character of the country not only to native-born or naturalized citizens, but to all residents in it who are there with, or even without, an intention to become citizens, provided they have a domicile therein. Foreigners may, and often do, acquire a domicile in a country, even though they have entered it with the avowed intention not to become naturalized citizens, but to return to their native land at some remote and uncertain period; and whenever they acquire a domicile, international law at once

impresses upon them the national character of the country of that domicile. It is a maxim of international law that domicile confers a national character; it does not allow any one who has a domicile to decline the national character thus conferred; it forces it upon him often very much against his will, and to his great detriment. International law looks only to the national character in determining what country has a right to protect. If a person goes from this country abroad with the nationality of the United States, this law enjoins upon other nations to respect him in regard to protection as an American citizen. It concedes to every country the right to protect any and all who may be clothed with its nationality. . . . The conclusions at which the President has arrived, after a full examination of the transaction at Smyrna, and respectful consideration of the views of the Austrian Government thereon, are that Koszta when seized and imprisoned was invested with the nationality of the United States; and they had therefore the right, if they chose to exercise it, to extend their protection to him; that from international law—the only law which can be rightfully appealed to for rules of action in this case—Austria could derive no authority to obstruct or interfere with the United States in the exercise of this right, in effecting the liberation of Koszta. (Digest, vol. ii., p. 483.)

Koszta was not a naturalized foreigner; he had been for two years in the United States, and had declared his intention of remaining in that country, and during a visit to Smyrna he was seized by Austrian officers and placed on board an Austrian ship of war. Koszta was, therefore, simply a domiciled alien, and the contention of Mr. Marcy was that, being such a person, he was in the eye of international law an American citizen. One of the ablest and most recent of English writers on this subject has very shortly and very emphatically dealt with the American doctrine by saying that "Mr. Marcy's contention was wholly destitute of legal foundation."\* It is obvious that were this doctrine persisted in, it might from time to time produce the most important consequences. As it was, in Koszta's case the assertion of this right almost caused a conflict before Smyrna between an American and an Austrian ship of war.

The surest way to arrive at a sound conclusion on a point of international law such as this is to test it by some admitted rules. The mere *ipse dixit* of a publicist, however able, cannot be regarded as conclusive, seeing that on no subject is there often greater difference of opinion be-

tween those learned in it than on that of international law. It is clear that Mr. Marcy regarded Koszta as a *de facto* American citizen; if he were, then it is equally clear that such a person—a domiciled alien—is entitled to demand a passport as an American citizen. But it is quite certain that he would have no right to such a certificate of citizenship.

The impropriety of any of our legations granting passports to foreigners under any circumstances, even with the omission of the clause asserting citizenship, and merely asking for the bearer liberty to pass freely, is obvious; for as this department possesses the faculty of granting passports to *bond fide* citizens of the United States only, and as a passport is merely a certificate of citizenship, it follows, as a matter of course, that no representative of the United States can with propriety give a passport to an alien.

Further, if an alien has become domiciled in the United States, or declared his intention to become an American citizen, he is not entitled to a passport declaring him to be a citizen of the United States. Both of these classes of persons, however, may be entitled to some recognition by this Government. The most that can be done for them by the legation is to certify to the genuineness of their papers when presented for attestation, and when there can be no reasonable doubt of their being authentic. (Digest, vol. ii., p. 463.)

These are Mr. Marcy's own words in 1854, and two years later he repeats that "as this department grants passports only to *bond fide* citizens of the United States, and as a passport is nothing more than a certificate of citizenship, it follows necessarily that you can with propriety give a passport neither to an alien who may have become domiciled in the United States, nor to a foreigner who has merely declared his intention to become an American citizen." But a passport is a written guarantee, so to say, of national protection, and conversely those who are entitled to national protection must be entitled to the documentary evidence of such protection. It is at once a contradiction in principle and practice to say that a domiciled alien is not entitled to a passport, and yet if he leaves the country is entitled to be treated by the government of the country of which he was once a native as if he were a born or naturalized citizen of the country to which he has emigrated.

In his first annual message, President Cleveland, speaking on this subject said:

The laws of certain states and territories admit a domiciled alien to the local franchise, conferring on him the rights of citizenship to

\* Hall's International Law, p. 303.

a degree which places him in the anomalous position of being a citizen of a State and yet not of the United States, within the purview of federal and international law. (Digest, vol. ii., p. 341.)

These declarations seem to show that Mr. Marcy's contention was unsound; and that Mr. Hall when he summarily and rather contemptuously assails it is legally correct. It is not till a foreigner has, so to say, received his certificate of citizenship, that he is entitled to the protection of a government as if he were a natural born subject of that State, although for certain purposes connected with municipal law and with the law of prize, the fact that he is a domiciled alien may have very important consequences.

When an alien applies to be admitted to citizenship in this country, having undergone the probation, and in all other respects having complied with the laws on the subject of naturalization, and in open court solemnly avows his allegiance to the United States, and with the same solemnity renounces his allegiance to every other Government, and especially to that of the country of his birth, and is found to be of good moral character, he is admitted to such citizenship, and is thenceforth clothed and invested with the same rights and privileges that pertain to native citizens of the country, and entitled to the same degree of protection, whether abroad or at home.—Mr. Frelinghuysen, Secretary of State, to Mr. Cramer, July 28, 1883. (Digest, vol. ii., p. 340.)

But this declaration differs vitally from that by Mr. Marcy, and shows that it is the naturalized citizen and not the domiciled alien who possesses the right in a foreign country of a native-born citizen. On this particular point it would seem as if Mr. Marcy's sympathies had somewhat carried away his judgment, as Mr. Seward was carried away in regard to extradition, though, as we have seen, the law of the latter was not altogether unsound, even if not in harmony with the practice of the United States. The editor of these volumes, it is true, regards Mr. Marcy's exposition as one of "almost unequalled sagacity and exactness." With this expression of opinion it is not possible to agree. By other instances than those already given it may be shown to be unsound, as by the conduct of the government of the United States in 1866 when they gave domiciled aliens an opportunity of leaving the country within a certain period if they were unwilling to bear arms against the Confederate States. If Mr. Marcy's doctrine were logically carried out, it is clear that such a permis-

sion to depart was altogether absurd; because if the domiciled alien was entitled to the protection which he was willing to accord him outside the territorial limits of the United States, the latter was bound by a correlative duty to obey the call of the government in the same manner as a native-born citizen. But so far from this being the case, "nothing is more distinctly and clearly settled than the rule that resident aliens not naturalized are not liable to perform military service—we have uniformly claimed and insisted on it in our intercourse with foreign nations."\* In fact, the more closely this assumption is examined, the less tenable will it appear to be. There are ample opportunities in this international digest for studying it, and there are also, as we have shown, opinions of Mr. Marcy and others which can hardly be regarded as consistent with it. But that any uncertainty should exist in regard to a point of such considerable international importance is by no means satisfactory, and that such uncertainty does exist seems to be clear.

The questions of international law raised by the Treaty of Washington naturally occupy some space in these volumes. It may, we think, without awarding undue praise to the editor, be said that his treatment of the question gives the clearest idea of this branch of the treaty yet published, whether it be regarded from the point of view of an episode in the history of international law, or in regard to the political relations of Great Britain and the United States. The sixth article of the treaty which contains the famous three rules is set out, as well as the award of the arbitrators; and extracts follow from their individual opinions, and from the writings of eminent publicists and statesmen, as well as the views of Dr. Wharton himself. We are thus enabled to obtain a complete bird's-eye view of this question, and to consider the subject not only in regard to its relations to the law acted on in this country and in the United States, but also in connection with the general position of international law. It must be confessed that from a national point of view this portion of the treaty is by no means creditable to English statesmanship. For, in brief, those who had to safeguard English interests agreed to certain propositions which, though they contained some germs of existing international law, did not, as drafted, accurately

\* Mr. Seward to Mr. Morton, Sept. 5, 1862; Digest, vol. ii., p. 493.

express the existing rules on the subject. That this was so was admitted in the treaty itself, wherein it is stated that

Her Majesty's Government cannot assent to the foregoing rules as a statement of principles of international law which were in force at the time when the claims mentioned in Article I. arose, but that her Majesty's Government, in order to evince its desire of strengthening the friendly relations between the two countries, and of making satisfactory provision for the future, agrees that in deciding the questions between the two countries arising out of those claims, the arbitrators should assume that her Majesty's Government had undertaken to act on the principles set forth in those rules. (Digest, vol. iii., p. 631.)

This admission it is not easy to reconcile with Mr. Gladstone's statement in the House of Commons on May 26, 1873. "Were they," he asked, "as regards us an *ex post facto* law? I say they were not. We deemed that they formed part of the international law at the time the claims arose."\* The written admission of those who made the treaty, and had closely considered the subject, and who somewhat unnecessarily insert in a solemn treaty a qualification so important as the above, must be held to override the oratorical statements of Mr. Gladstone. Not only, however, did Great Britain consent to be judged by rules which its negotiators expressly declared not to be the existing rules of international law, and to be bound by them in future, but it agreed that the governments of the United States and of Great Britain would endeavor to convert other nations of the world to the views expressed in the Treaty of Washington. "And the high contracting parties agree to observe these rules as between themselves in future, and to bring them to the knowledge of other maritime powers, and to invite them to accede to them."† The result is now common knowledge. The arbitrators interpreted those loosely drawn rules in a sense wholly against the case of Great Britain, and she was condemned to pay an immense sum of money for the infringement of rules made after the supposed offence was committed, and which on her own showing were not the proper test of her conduct in the matter. But another result also followed; for, so far from urging their acceptance by other powers, both parties to the agreement have refused in the future to be bound by

them. The editor publishes in these volumes an extract from his own commentaries on American law which is so much to the point that it should be reproduced here.

It will be at once seen that these rules, though leading immediately to an award superficially favorable to the United States in the large damages it gave, placed limitations on the rights of neutrals greater even than those England had endeavored to impose during the Napoleonic wars, and far greater than those which the United States had ever previously been willing to concede. If such limitations are to be strictly applied, the position of a neutral, so it may be well argued, will be much more perilous and more onerous in case of war between maritime powers than that of a belligerent. Our Government, to fulfil the obligations cast on it by these rules, would be obliged not only to have a strong police at all its ports to prevent contraband articles from going out to a belligerent, but to have a powerful navy to scour the seas to intercept vessels which might elude the home authorities, and creep out carrying such contraband aid. It must be recollected that not only our Atlantic and Pacific coasts, but our boundary to the north and to the south, contains innumerable points at which belligerents can replenish their contraband stores, and nothing but a standing army or navy greater than those of any European power could prevent such operations. Nor would this be the only difficulty. No foreign war could exist without imposing upon the governments of neutral states functions in the repression of sympathy with either belligerent which no free government can exercise without straining its prerogatives to the utmost. It is not strange, therefore, that in view of the hardness of these rules they should be regarded by European as well as by American publicists as likely to be of only temporary obligation. "When we come to the subject of neutrality," says Professor Lorimer, of Edinburgh, a leading member of the Institute of International Law (Institutes of the Law of Nations, by James Lorimer, LL.D.: Blackwood & Sons, 1883, p. 52), "we shall see but too much reason to believe that even the treaty of Washington of 1871, though professing to determine the relation between belligerents and neutrals permanently, was in reality a compromise by which neutral rights were sacrificed to the extent which on that occasion was requisite to avoid a fratricidal war. Before the award of the arbiters who met at Geneva could be applied as a precedent, a new treaty embodying the famous "three rules" would require to be negotiated; and it is extremely unlikely that either England or any other neutral power would again agree beforehand to pay damages for the fulfilment of the impossible engagements which these rules impose." This view is strengthened by the fact that the British members of the commission, by whom the

\* Digest, vol. iii., p. 643.

† Ibid., p. 631.



treaty of Washington was negotiated, inserted in the treaty the memorandum [which we have already quoted].

It was proposed in the treaty of 1871 that the "three rules" should be submitted to the great powers of Europe. It soon became evident that neither Great Britain nor the United States desired to make such a submission. It may be also added that there was a conviction on the part of both Governments that they would not receive the assent of a single state. Austria and Germany had early stated that their assent would not be given. The "three rules," therefore, were agreed to by the United States only provisionally, and are not only in conflict with the principles for which the United States contended down to the late civil war, but give advantages to belligerents which even Great Britain regards as excessive. These rules, repudiated as they have been by the contracting powers, and rejected by all other powers, are to be regarded not only as not forming part of the law of nations, but as not binding either Great Britain or the United States. That the "three rules" were temporary and exceptional, and were to be only effective in case of ratification by the great powers, which ratification was never given, is maintained by Mr. Fish in his letters to Sir E. Thornton, of May 8 and September 18, 1876, communicated by Mr. Hayes in his message to the Senate of January 13, 1879. The same position was taken in the House of Commons in 1873 by Mr. Gladstone, Sir W. Harcourt, Mr. Disraeli, and the Attorney-General. (Digest, vol. iii., p. 650.)

These are Dr. Wharton's reasons against the continuance of the three rules, and his historical sketch of their abandonment. Such has been the ignominious end of propositions which were to govern the future relations of all neutral and belligerent states. They will remain for a long time to come as an example of American shrewdness and British good nature. To agree to pay for a wrong done when it is clearly apparent is a reasonable course; to agree to abide in the future by certain new and specified rules is equally reasonable, if the rules are themselves desirable; but to agree to pay damages which are to be estimated by rules not in force when the act complained of occurred, and which the party for whose benefit they were formulated repudiates as soon as they have served their purpose, is one of the sorriest exhibitions of statesmanship which this generation has witnessed.

We have said already that the rules contained some portions of existing international law, though in the form in which they are found in the treaty they are not, taken as a whole, accurate statements of the law. It is well, therefore, to examine them a little more closely. They will be

found set out in the third volume of Dr. Wharton's "Digest."

A neutral government is bound—First, to use due diligence to prevent the fitting out, arming, or equipping, within its jurisdiction, of any vessel which it has reasonable ground to believe is intended to cruise or carry on war against a power with which it is at peace; and also to use like diligence to prevent the departure from its jurisdiction of any vessel intended to cruise or carry on war as above, such vessel having been specially adapted, in whole or in part, within such jurisdiction to warlike use.

Secondly, not to permit or suffer either belligerent to make use of its ports or waters as the base of naval operations against the other, or for the purpose of the renewal or augmentation of military supplies or arms, or the recruitment of men.

Thirdly, to exercise due diligence in its own ports and waters, and as to all persons within its jurisdiction, to prevent any violation of the foregoing obligations or duties. (Vol. iii., p. 630.)

The second of these rules, so far as the first and last parts of it are concerned, express with reasonable accuracy the international law on this point as generally received at the time of the civil war in America. But the term "military supplies" is too vague to be regarded as strictly accurate. Provisions for a crew of a ship of war are military supplies in some senses; but unless they are so continually taken on board at a particular port as to make it a base of naval operations, then it has not been usual to regard this purchase by a belligerent ship in a neutral port as illegal. But under this term, provisions, it is obvious, might not be supplied, and so the crew of a belligerent's war ship might be starved in a neutral port. The first and third rules must be read together, though, to some extent, the third has an application also to the second. No international provisions have given rise to greater discussion among jurists in recent years than have these now famous three rules, and more especially the term "due diligence" has been very keenly criticised, as well as the interpretation put upon it by the arbitrators. That gloss was that due diligence "ought to be exercised by neutral governments in exact proportion to the risks to which either of the belligerents may be exposed from a failure to fulfil the obligations of neutrality on their part." But however faulty and vague this definition of the proper amount of diligence required from a neutral power may be, it arises from the very vagueness of the term itself. The words "due dili-



gence" contain no precise definition.

They can only be construed according to individual opinion. They resemble, in fact, certain terms well known to lawyers, such as reasonable time, reasonable care, the conduct of a prudent mariner, and so on, any one of which has a different meaning in the minds of different persons. To introduce such a term into a rule of international law is to reduce the conclusion of international disputes to the level of a trial at *nisi prius*. The difference of view which may fairly be taken of such a term as this needs no further illustration than the wide divergence of the American and English contentions on the point. Whilst that already given substantially expresses the American view, that of this country was that it should be of the same nature as "the governments of civilized States are accustomed to employ in matters concerning their own security or that of their own citizens." Such a conflict of opinion was sufficient in itself to discredit these rules as permanent international principles in the shape in which they were expressed in the Treaty of Washington, and to prevent their acceptance by any European power. Their influence has thus been altogether of an indirect kind, and a valuable opportunity for codifying, on our part at any rate, for all time the floating and uncertain propositions of international law was irretrievably lost. When the great difficulty of formulating international law is called to mind, it is impossible not to regret that the Treaty of Washington was not more carefully drawn so as to effectuate some of its ostensible purposes. That it has to some extent made clearer the position of Great Britain and the United States as neutrals may be admitted; but while it has done something to establish a principle, it has left its application as doubtful as ever. As regards the main portion of the first rule in reference to the prevention of the fitting out, arming, or equipping, and of the departure of a vessel adapted in whole or in part to warlike use, it was uncertain at the time of the promulgation of the doctrine to what extent it was the existing principle of international law. Mr. Hall, in his work on the "Rights and Duties of Neutrals," thus touches on the question:—

The direct logical conclusions to be obtained from the ground principles of neutrality go no further than to prohibit the issue from neutral waters of a vessel provided with a belligerent commission, or belonging to a belligerent, and able to inflict damage on his enemy. A com-

mission is conclusive evidence as to the fact of hostile intent, and in order to satisfy the alternative condition it is not necessary that the ship shall be fully armed or fully manned. A vessel intended to mount four guns, and to carry a crew of two hundred men, would be to an unarmed vessel sufficiently formidable with a single gun and half its complement of seamen. But to possess any force at all, it must possess a modicum of armament, and it must have a crew sufficient at the same time to use that armament and to handle the ship. If, then, the vessel seems, at the moment of leaving the neutral port, to fulfil these conditions, the neutral must, judging from the facts, infer a hostile intent, and prevent the departure of the expedition.

On the other hand, it is fully recognized that a vessel completely armed, and in every respect fitted the moment it receives its crew to act as a man of war, is a proper subject of commerce. There is nothing to prevent its neutral possessor from selling it, and undertaking to deliver it to a belligerent either in the neutral port or in that of the purchaser, subject to the right of the other belligerent to seize it as a contraband if he meets it on the high seas or within his enemy's waters. "There is nothing," says Mr. Justice Story, "in the law of nations that forbids our citizens from sending armed vessels as well as munitions of war to foreign ports for sale. It is a commercial adventure which no nation is bound to prohibit." If the neutral may sell his vessel when built, he may build it to order; and it must be permissible, as between the belligerent and the neutral state, to give the order which it is permissible to execute. It would appear, therefore, arguing from general principles alone, that a vessel of war may be built, armed, and furnished with a minimum navigating crew, and that in this state, provided it has not received a commission, it may clear from a neutral harbor on a confessed voyage to a belligerent port, without any infraction of neutrality having been committed. (P. 63.)

But these theoretical views and those of other jurists on this point are now, both as regards the United States and Great Britain, rather of academical than of practical importance, because the governments of these countries have given in their adhesion in substance to the principle contained in the first rule. The Foreign Enlistment Act of 1870, more especially the eighth section of that statute, conclusively settled the principle of law in this country. Here again is an undoubted instance of the influence of the principles of American international law on that of this country, which, in its turn, will be certain sooner or later to affect the practice of other European nations. For that this principle had its rise in the United States is quite certain. An act contain-

ing it passed through Congress in 1792, and was re-enacted in 1818, and from the very beginning of their existence as a separate power the United States have followed out this doctrine. The earliest expression of it in international intercourse is found in a communication of Mr. Jefferson in 1793, when in a despatch to the government of Great Britain, he wrote that the practice of commissioning, equipping, and manning vessels in our ports to cruise on any of the belligerent parties, is equally and entirely disapproved, and the government will take effectual measures "to prevent a repetition of it." But whilst this principle has been consistently acted upon by those in charge of the government of the United States, there is no question that the first of the Washington rules went far beyond the previously accepted law of the republic. We have stated the principle in Mr. Jefferson's words: its practical extent seems to be shown by a single sentence of Mr. Clayton's in a communication by that gentleman to Baron von Roëne in 1849. "The government of the United States," he writes, "will under its own Neutrality Act prevent war cruisers issuing from its ports to aid a belligerent in contest with a friendly State." The result, therefore, of the three rules has been indirectly to sanction the American principle. Beyond this it has not carried the law. The extent of the obligation of this country is bounded by the proper enforcement of the Foreign Enlistment Act by its police and its officials. This is as much as any government can require from this country, and in its turn Great Britain can require no greater vigilance from the United States.

The importance of the three rules of the Treaty of Washington is in the influence of the principles which underlie them on the position of neutrals in time of war. That position is also vitally affected by the principles of international law in regard to the blockade of one belligerent port by the ships of war of another. It may be regarded as an almost universally accepted principle at the present time that a blockade in order to be binding on neutral powers must be effective, that a paper blockade is unfair to neutrals and harmless to a belligerent. This principle has—as is clearly shown in these volumes—always been consistently adhered to by the government of the United States, which has never been slow to point out the propriety of its views. By the Declaration of Paris this principle be-

came binding on the persons who were parties to this instrument; and it may be regarded as singular that whilst Great Britain, which at one time did not adhere to the doctrine, gave her assent to the Declaration of Paris, the United States were not bound by it. Yet so long ago as the year 1800 Mr. Marshall had emphatically expressed the views of the United States on the subject:—

Ports not effectually blockaded by a force capable of completely investing them have not yet been declared (by the law of nations) in a state of blockade. If the effectiveness of the blockade is dispensed with, then every port of all the belligerent powers may at all times be declared in that state, and the commerce of neutrals is thereby subjected to universal capture. (Digest, vol. iii., p. 369.)

This was repeated in very similar words by Mr. Monroe in 1816, and, as Mr. Madison pointed out several years before, the United States were among the greatest sufferers by the practice of Great Britain in the French wars. But though the United States did not become a party to the public declaration on this point in 1856, the government of the republic has never swerved from its ancient faith, and from a principle which its influence largely helped to make an axiom of modern international law. Thus so recently as 1885 the existing views of the United States were expressed at length and with great clearness in a despatch from Mr. Bayard relative to the affairs of the United States of Columbia, which is valuable not only as an expression of opinion, but for its historical sketch of this subject.

The Government of the United States [he writes] must regard as utterly nugatory proclamations closing ports which the United States of Columbia do not possess under cover of a naval force which is not even pretended to be competent to constitute a blockade;

and Mr. Bayard concludes by pointing out how his government was forced, at the beginning of the century—

then young in the family of sovereignties, and naturally desirous of peace with all—most reluctantly, and at great cost of blood and treasure, to undertake, as at last the sole maritime contestant, wars against Great Britain and France, to maintain the freedom of the seas and the invalidity of paper blockades. (Digest, vol. iii., p. 379.)

Thus, whilst it is just to admit the great value of American influence on the proper settlement of this international doctrine, it is equally satisfactory to observe this

continued endeavor to cause its acceptance among the Central and South American republics. To Great Britain, as a great commercial nation, it is of the highest importance that these States should adhere to fair and well-recognized rules of international conduct. By the Monroe doctrine, the United States have assumed for themselves a paramount influence among the States of the American continent. Hence the desire of the government of the republic to bring these smaller governments into harmony upon questions of international law with the views now held by the United States and the European powers is one which it is to the interest of the civilized world that it should be successful. And in this sphere we may certainly look forward to the influence of the United States being increasingly felt.

For this reason also their attitude in regard to privateering is of great importance. The government refused to be a party to the abolition of privateering by the Declaration of Paris, not from an objection to the principle but from the plainest self-interest. For the United States were willing to go further than the European powers, and altogether to exempt the private property of citizens of a belligerent State from capture at sea. "In answer to Lord Clarendon," writes Mr. Buchanan, then the United States minister in London, to Mr. Marcy on March 24, 1854—

I admitted that the practice of privateering was subject to great abuses; but it did not seem to me possible under existing circumstances for the United States to agree to its suppression unless the naval powers would go one step further and consent that war against private property should be abolished altogether upon the ocean as it had been upon the land. There was nothing really different in principle or morality between the act of a regular cruiser and that of a privateer in robbing a merchant vessel upon the ocean, and confiscating the property of private individuals on board for the benefit of the captor. But how would the suppression of privateering without going further operate upon the United States? Suppose, for example, we should again, unfortunately, be engaged in a war with Great Britain, which I earnestly hope might never be the case, to what a situation must we be reduced if we should consent to abolish privateering? . . . The only means which we would possess to counterbalance in some degree their (Great Britain's) far greater numerical strength, would be to convert our merchant vessels, cast out of employment by the war, into privateers, and endeavor by their assistance to inflict as much injury on British

as they would be able to inflict on American commerce. (Digest, vol. iii., p. 484.)

Very much to the same effect was President Pierce's message in the same year, and it cannot be doubted that the policy of the American statesmen who were in power in 1854 has obtained the approval of the American people and of American jurists. But it is also certain that the abolition of privateering is a recognized step towards the abolition of the right of a belligerent to capture private property at sea. The United States would have been in a better position to obtain a general adhesion to their larger principle had they consented to agree to the abolition of privateering. That in thus urging the acceptance of the broad principle they were pressing for a just and reasonable rule of international conduct is certain. The seizure of private property on the high seas during the progress of a war may enrich the captors of one nation and may ruin the merchants of another, but scores of privateers would make no difference now in the result of a war, just as numerous captures of merchant ships by properly commissioned ships of war would be equally without effect on the issue of the struggle between two belligerents. It should be the aim of civilized nations, while making on the one hand the most effective preparations for effectual warfare, to endeavor on the other to minimize as much as possible the disasters of war to private citizens. A step in this direction would be to exempt private property at sea from capture.

Yet it is clear that the abolition of privateering may be after all but a very nominal improvement. For fast cruisers taken from the merchant service, manned by regular or volunteer seamen, and properly commissioned, are to all intents and purposes privateers in a respectable form, and under official control. And the tendency of the time is to make these auxiliary vessels an important factor in naval warfare. What Great Britain has therefore abolished in principle, she will in the next war that takes place be seen in fact adhering to. The question of the legality—from the point of view of international law—of volunteer men-of-war has already received elucidation. In the Franco-German war of 1870—

the King of Prussia invited all German seamen and shipowners to place themselves, and their forces and ships suitable thereto, at the service of the fatherland. The officers and crews were to be enrolled by the owners of

the ships, and were to enter into the federal navy for the continuance of the war, and to wear its uniform and badge of rank, to acknowledge its competence, and to take an oath to the articles of war. The ships were to sail under the federal flag, and to be armed and fitted out for the service allotted to them by the federal royal navy. . . . The French Government, regarding the institution by Prussia of a volunteer naval force as the revival of privateering in a disguised form, lost no time in calling the attention of the British Government to the Royal Prussian decree as instituting an auxiliary marine contrary to Prussia's engagements under the Declaration of 1856.

After consulting the law officers of the crown, Earl Granville replied that "the British government could not object to the decree of the German government as infringing the Declaration of Paris." \* It is clear, however, that writers on international law are not agreed upon this point, and it is an open question among them whether such an arrangement as that mentioned is not a breach of the Declaration of 1856. From this point of view, therefore, it is clear that the difference between the principles of the European powers and the United States would in practice lead to no very different result. Hence it becomes obvious that the only lasting and satisfactory settlement of the question can be obtained by the adoption of the view of the United States, viz., "to exempt private property on the ocean from seizure by public armed cruisers as well as by privateers." The object of the powers who agreed to the Declaration of Paris will not in fact be obtained without a settlement of the question on a broader basis than that contained in this instrument. It is certain that time will eventually bring about the general acceptance of the American principle, viz., to exempt private property from capture at sea; and until such a conclusion is arrived at, there is but little to be said against a nation adhering to privateering in name as well as in reality.

We have now dealt — comparatively cursorily — with a few only of the points touched on in these volumes: within their compass there are many other subjects worthy of discussion did space permit. Some are very special, such as the relations of the United States with the North American Indians; others are connected with points of more universal importance. Such is the chapter on diplomatic agents.

\* Digest, vol. iii., p. 478, quoting Sir T. Twiss in "Belligerent Rights."

In it are contained the code of conduct of the United States on this point, and also several episodes of historical interest. Among the latter may be noted the position taken up by the United States in 1870 in regard to the right of their minister in Paris to transmit his messages unopened through the besiegers' lines. The remonstrances of the United States government against any interference with the free passage of messages between the representative of a neutral State in a besieged city and his government were spirited and just. This right of uninterrupted correspondence between a neutral power and its representative could not be infringed without detriment to the interests of every nation, and in thus asserting it the United States added another to the services which their independent attitude has done to the cause of civilization. Again, under this head we meet with the attempt of Mr. Parnell and Mr. O'Connor Power in 1876 to present an address to the president containing such reflections on the conduct of the British government that the secretary of state refused to permit its presentation. The supporters of Mr. Gladstone's Home Rule policy are never tired of telling the country that they would have in a practically independent Ireland a friendly and not a hostile neighbor. In itself this episode is of no great importance, but it indicates the unpatriotic temper of Mr. Parnell's party in regard to the foreign relations of Great Britain, and serves to show that that party if in power at Dublin would glory in embroiling the government of this country with a friendly nation.

We should have been glad to avail ourselves on this occasion of the materials collected by Dr. Wharton for the discussion of the important question of the fisheries, which is still pending between the Cabinets of Washington and London, but this subject would require an article to itself, and we hope to revert to it on a future occasion when the negotiations are more advanced. Meanwhile we can only record our opinion that fishery rights in the sea are not to be determined by strict legal provisions, or by any theory of natural jurisdiction, but by a reasonable compromise formulated in diplomatic conventions. This is precisely one of those questions on which rigorous exclusive pretensions and retaliatory measures are peculiarly mischievous and inopportune.

But apart from the light which this valuable mass of material throws upon particular transactions, it shows us the great part which the United States have played



and are yet destined to play in the formation of modern international law, and the exceptional position which they will hold in the history of this subject. The international law of the United States is characterized by a marked individuality and independence of thought. The statesmen of the republic have not felt themselves bound by theories however venerable, or been troubled by the conflicting views of eminent jurists. They have rested their contentions on clear principles which they have evolved for themselves, and they have enunciated their views without obscurity and with perfect straightforwardness. The faculty of clear and striking exposition which characterizes the first of the American writers on legal subjects has equally marked the despatches of successive secretaries of state. And when occasion has required they have been keen to seize practical advantages, and have never allowed their grasp of principles to stand in the way of national interests. Nor have they been slow to urge their contentions with ingenuity, sometimes even with enthusiasm, and always with dignity, power, and resolution. Since this has been done in the past, and since the influence of the United States on international law has hitherto been so distinctly felt, we may expect that in the future, as their strength increases, American opinion will continue to produce marked effects upon the rules of international conduct.

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MAJOR LAWRENCE, F.L.S.

BY THE HON. EMILY LAWLESS.

AUTHOR OF "HURRISH, A STUDY," ETC.

BOOK IV.—BACK AGAIN.

#### CHAPTER IV.

COLONEL LAWRENCE dined with the Catherses the following day, took a drive with them the next, and lunched on board the Veda the next but one, each such social occurrence seeming to lead inevitably to the one beyond. What impulse there was in the matter certainly came from Algernon Cathers, who laid violent hands upon his time and inclination, as it was his fashion to lay hands upon most things within reach. Oddly enough he seemed inspired with a genuine liking for the newcomer's society. Possibly he may have found a satisfaction in attaching to his train so serious and responsible a member of the community; possibly the mere fact

of his being something of a novelty gave him a lustre not his own. Whatever the reason was, he certainly lost no occasion of urging his presence, pleading as before the hardship of his own case, and the paramount duty of friendship under the circumstances.

John Lawrence yielded, and went. He did not, in truth, need much persuading. If there was a good deal that irritated him on these occasions, the pleasure considerably outweighed the irritation. He found some little difficulty in making up his mind as to the relative standing of husband and wife, rather of the wife towards the husband, that being the portion of the problem which naturally held most interest for him. He made up his mind, that is to say, absolutely and irrevocably, one day, and then mentally wiped the decision out the next.

She had suffered a great disillusion, of that he felt confident. His impression was that it was already a good long way in the background. The storm, whatever it was, had passed, and had given place to a forced serenity. She had taken her life by the two shoulders, and was not going to let it out of her own control; her will was set upon making the best of it, and her will was not a thing which even the most stubborn or the most brutal of facts could venture entirely to trifle with.

The likeness to Lady Mordaunt—always a likeness of expression rather than of feature—had become much more marked. It seemed as if it had formerly been overlaid with other and contrary tendencies, which years, or the unkind hazards of her destiny had tended to efface. There was less intellect, less imperiousness, but there was even more of a sort of unspoken reliance upon self. A reliance the more decided that it was never for a moment obtruded.

Evidently, with her the primal need was to minister rather than to be ministered to. She was not a soft, clinging, expansive woman, and even if circumstances had been different he could hardly imagine her having ever been so. Where it seemed to him she showed most clearly that some painful, unlooked-for catastrophe had shattered her life, was in a sort of unconquerable reserve. On the rare occasions in which he saw her in society she was even noticeably silent, whether owing to the contiguity of her brilliant husband he did not know, but it seemed unnatural that so innately vigorous, even dominant a nature, should have shrunk to such a degree without some determinating



cause, and it was necessary to look very far to discover what that determinating cause was likely to be.

That her husband in all practical points was absolutely dependent upon her was evident. Every particle of friction that could be cleared from his path was habitually so cleared by her. Wealth has proverbially a beneficial effect in that direction, but even wealth needs a directing intelligence, and hers was one which allowed no detail to escape its vigilance. To Algernon Cathers his money seemed indeed in several respects to be a source of torment rather than otherwise. He appeared to be haunted with an insatiable sense of never quite getting sufficient good out of it; perpetually egged on to buy, buy, buy, for no other reason apparently but the necessity of spending.

His extravagance in the matter of purchases seemed to John Lawrence phenomenal. Whenever they passed a shop where *antichità* were sold,—and every one who knows Genoa knows that that means nearly every second shop—he would go in and order right and left, as the objects struck his fancy, regardless of the fact that he had already dozens of others more or less the same. Gems he had a particular fancy for, and would turn over the trays of the people who trafficked in such things, bargaining occasionally, as he himself explained, for the humor of the thing. He was a good judge, and the things no doubt were worth what he paid for them, but it seemed to the looker-on a doubtfully satisfactory way of getting through large sums. These he would keep by him, but the other purchases he would usually have sent off either to Mentone or Devonshire, as the case might be. They were not wanted in either place, he frankly admitted, but after all the chief use of a house was as a place in which to stow away your superfluous rubbish.

It sometimes occurred to the colonel to wonder whether he would not rather enjoy the sensation of gulping down every worldly possession he owned in one last gulp, as Cleopatra is fabled to have done her pearl, thus leaving nothing for those that came after him, and then a feeling of pity would arise, and he would reproach himself for so uncharitable a surmising. For what a sorry business it was after all! When all the possibilities of imaginable extravagance or luxury were exhausted, what did it amount to? In point of enjoyment, yonder sturdy beggar tramping vigorously by in the dirt had the better bargain.

They stayed in Genoa beyond the time which Lady Eleanor had named as the period of their stay. It had grown cold, and John Lawrence saw that she was ever in a state of suppressed uneasiness every time her husband went out of doors. Their hotel seemed to their visitor the most unhome-like and uncomfortable place, worse than even his own ghostly caravansary by the water's edge. It was not so big, but it was much more pretentious; its brand-new velvet furniture catching against the clothes, and exasperating the temper of all who approached it; its pier-glasses gleaming in the sun-rays, as if claiming an exclusive right to monopolize them. Algernon Cathers had thrown a few of his brocades and other recent purchases here and there, but only fitfully, nor would he allow his wife or any one else to undertake the office, declaring that their arrangements were, if anything, more excruciating to him than Signor Goppi's native abominations.

It soon became a habit for Colonel Lawrence to saunter down after breakfast, and upon several occasions it was dusk or night before he regained his own quarters. Algernon Cathers always expressed the warmest satisfaction at his appearance, and dissatisfaction at his departure, though after the first day he treated him with as scant a measure of consideration, and as continuous a running fire of mockeries as he did the rest of his little world.

He had evidently a passion for thrusting small darts into people, and seeing how they looked under the infliction. His neighbor's weak points, when discoverable, he seemed to regard as so many recognizable marks for the arrows of his undeniably well-filled quiver. If the arrow missed its mark, it was no matter; if it penetrated to the very bone, well, he could always fall back upon the innocence of his own intentions.

It was evident that he had done a good deal of experimenting in this way upon his wife, which partly, perhaps, accounted for that armor of reticence which she habitually wore. He admitted the fact indeed himself with a whimsical ingenuousness, which went some way towards palliating the enormity of the offence.

"I wouldn't be married to an absolutely even-tempered woman, not for all the mines of Golconda," he declared one day when Lady Eleanor had shown a little heat over some piece of monstrously inverted morality he had been sonorously proclaiming. "The pleasure of allowing my fingers to play along the delicate edge

of my wife's temper I regard as a high æsthetic enjoyment, one of the few I retain, since other recreations of the kind have unkindly left me in the lurch. When I see a faint color beginning to rise in her cheeks, then I know that I am getting upon perilous ground, that the ice, or the lava-crust, to use a more appropriate simile, is getting thin; when her eye begins to light up as if she kept a private electrical machine inside, I say to myself, 'Look out, my friend, the storm is coming!' Still, being a plucky man in my small way, I go on, feeling my way cautiously but playing about with an innocent air; trembling inwardly, but preserving as bold a front as possible. Frequently — generally in fact, I may say — I am let off. The consciousness of having but a poor creature to deal with no doubt comes to the rescue, and she magnanimously abstains from annihilating me. Now and then, however, I go, I suppose, too far, and then the storm really comes. The wind suddenly rises; thunder cracks overhead; the trees begin to rock; the lightning shines down upon my devoted head; I feel, or ought to feel, as if I were a worm wriggling in scorched humiliation upon the ground. I lie low, and keep quiet, biding my time till the storm is over. Little by little it passes; the thunder rolls away in the distance; the mountain-tops begin to reappear; faint gleams of sun show in the far-off distance, and I come round feeling myself carefully all over to make sure that I am alive, and discover to my relief that I am not even very much the worse for it. Then I am very good indeed, and utter no more improper paradoxes for at least a week, and so we go on a long time without another storm."

John Lawrence, to whom all this was addressed, naturally looked at the wife to see how she took it. Her cheeks certainly showed that premonitory signal of which her husband had spoken, but she smiled and defended herself playfully.

"You haven't had a storm for a long time, Algernon," she said pleadingly.

"No, my dear, I know I haven't — with shame I own it. The reason is that you no longer consider me worth your steel, that is all."

"It is very wrong to amuse yourself by saying things just to irritate me. If you have a better temper yourself, you ought to have the more pity for others. Gratitude, if nothing else, should make you merciful."

"As for saying things to irritate you, my dear, I say them because I think them,

and as for being grateful, I am perfectly willing to be grateful when occasion of fers, but as to the remarkable sweetness of my temper, I am glad you have mentioned it, as otherwise I shouldn't have discovered it. It is true I mayn't fly into heroic rages, but I certainly flatter myself that I can take it out in other ways, as no one ought to know better than yourself. My condition, in fact, is one of chronic irritability, and as far as I can foresee is likely, I may remark, to remain so. A man who dislikes hideous colors and violent contrasts, who does not enjoy a perpetual shrieking, rattling, whistling, howling, jingling tintinnabulation in his ears, who has a prejudice too against false notes sung at the pitch of the most powerful lungs in the universe, is not likely, I take it, to be a particularly placid man nowadays in Italy."

In so saying, Algernon Cathers, it must be admitted, did himself no more than justice. If he rarely dropped the humorous tone in dealing with the things to which he objected, he assuredly never ceased to proclaim his grievances. On the contrary he rang the changes on them in season and out of season with a frank egotism which, to a man like John Lawrence, seemed simply colossal; to hold one's tongue about one's minor discomforts, as long as such holding of the tongue was possible, being to him one of the cardinal attributes of manhood.

To manliness indeed, Algernon Cathers at this time could hardly be said to lay violent claims; he rather proclaimed his own inability to endurance with an evident sense that in so doing he also demonstrated his own inherent superiority over the rest of the world. It was a somewhat contemptuous toleration that our stalwart friend accorded him, still after a while he did come to tolerate him. Indeed, although in most respects the young man had certainly altered for the worse, although many of those flaws which he had formerly only suspected, were now visible and undeniable, Colonel Lawrence — perhaps for the very reason that they were undeniable — did not feel anything like so strong an antipathy towards him as he had done in the days of his Mentonese amiability. For one thing he never quite lost sight of that strong torrent of pity which had swept over him in the Campo Santo, a pity so great as almost to bridge over those gulfs of scorn and anger into which Algernon Cathers's conduct occasionally threw him. Inconceivably, monstrously selfish as he was, especially

as regards his wife, his plight was surely one to move the sternest of recording angels to pity. The very egotism of the man seemed to make him only the more pitiable. He was so intensely conscious of himself, so brimming over with the importance of his own interests, ideas, sensations, so honestly convinced of the relative unimportance of everything that did not in some way bear upon this vital point, that it was difficult to be much with him, and occupied about him, as all who bore him company inevitably were, without to some degree coming to entertain the same feeling. His inflated personality seemed to fill the entire canvas; everything else — history, politics, life, letters, the entire revolving world — becoming merely as it were secondary and accidental.

It was not always that such tolerant sentiments as these found place in our hero's much-tried bosom. There were moments when he longed intensely to take Algernon Cathers by his two shoulders — invalid though he was — and shake him into some sense of what was decent and becoming; when he had to walk out of the room, or out of the house, in order to refrain from expressing an opinion as to his conduct — especially as to the fashion in which he allowed his wife to wear herself out in a fruitless effort to smooth away the thousand and one imaginary grievances — the crumpled rose-leaves of luxury — which always cropped up again with renewed energy the very next minute.

Possibly — to be rigidly just — he was not the best judge in the world as to what did or did not justify irritation. Being himself blessed with equable nerves, he hardly, perhaps, made sufficient allowance for the irritability of an abnormally sensitive organization, unprovided with even the rudiments of self-control, and now additionally enfeebled by ill-health. The state of mind, nerves, and morals in which a momentary disturbance of comfort, an unfortunately pitched voice, a couple of badly assorted colors, becomes a source of real, physical, all but unendurable misery, is by no means an unheard-of one nowadays, and seems likely, if one may judge, to become less and less so as the years go by.

Of course the end was that when the Catherses left Genoa, John Lawrence left too, and equally of course accompanied them where they were going. He argued the matter a good deal in his own mind, but the decision, as the reader will hardly need to be told, was none the less a fore-

gone conclusion. Lady Eleanor had asked him to go, and that was enough. For her sake, if not for the sake of their common humanity, he felt pretty confident of being able — short of some unforeseen provocation — to keep his hands and tongue from falling foul of Algernon Cathers. If his being with them lifted the burden a little off her shoulders — as it manifestly did — surely, he said to himself, he could bear for a short while, for a few hours at a time, what she had to bear every day and all day long. It would be a poor sort of friendship that could not do as much as *that!*

#### CHAPTER V.

THE party did not go direct to Spezia, preferring to sleep a night or two on the way at Nervi and a few more at Sestri.

Like all English people of superabundant means, the Catherses carried their own appurtenances about with them, and to a great extent created their own atmosphere. At every hotel they established themselves in much the same sort of over-decorated suite of rooms, where they were waited upon chiefly by their own servants, so that, except for a little more or less gilding in the furniture, a slightly different combination of sea and mountain as seen from the windows, their life remained practically the same. At Spezia they settled themselves in the Croce di Malta, whose huge red façade confronts, as every traveller knows, the waters of the bay, and the windows of which command such a sweep of snow-tipped and marble-streaked mountains as yields to few even in Italy. Here they possessed themselves of an immense flat running across the whole frontage of the house, the sitting-rooms of which Algernon Cathers amused himself with decorating with some of his Genoese spoils. His taste in such matters was admirable, and so were the effects produced, the sunlight lending itself, as Italian sunshine does, to any and every device offered for its consideration. He was in high good-humor, his mobile temperament and natural cleverness making him at such times an undeniably agreeable companion. Warmth, sunshine, color, were all, he emphatically declared, that he required to keep him in spirits, only they must be the best of their kind, and there must be no dull counteracting influences to spoil them.

Now that he had established himself at the same hotel, it took John Lawrence a little aback to find how completely his own individuality seemed merged as it were in theirs. He had his own room, of course,

and as far as possible his own bills; still, to the hotel people, and the world at large, he seemed simply a unit in the already elongated train of "Mr. and Lady Eleanor Cathers," whose appearance put every hotel-keeper along both Rivas upon his mettle, money being known in their case to be "no object." Blessed condition! which, like the quality of mercy, blesses those that give and those that take — especially perhaps the latter.

The Veda had arrived, and was a much more palpable presence here than at Genoa, fluttering its small pennon, and expanding its snowy pinions immediately in front of the hotel, to the distinct improvement of the landscape, and the unmitigated satisfaction of little Jan, who spent hours in gazing rapturously at it from her nursery window. The small boy and his nurse had been sent back to Mentone when the rest of the party left Genoa, but Jan accompanied them under the charge of Mrs. Peacock, Mlle. Riaz being also no longer a member of the party. She had returned to Mentone, but was to rejoin them, it was said, later.

John Lawrence could not help being amused at the steady fashion in which Jan contrived to keep her father at arm's length. She would go to him when he called her, and answer his questions in her small, shrill voice, like that of a child upon the stage, but it was always with an air of reserve, and it was rarely that she was seduced into a game of play, or dropped that small shield of baby dignity which she habitually carried. Her mother, on the other hand, was evidently adored by her with a passion which seemed almost too much for her small frame. She would sit quietly for hours under her shadow, looking up at her from time to time with the quick-eyed adoration of some small tame animal, unconscious evidently of any other presence. One day too, when Lady Eleanor after coming in from a walk had accidentally left her gloves upon the table, the colonel, from the corner where he was supposed to be engrossed in his newspaper, saw her little daughter furtively pick them up and carry them to her lips, hugging them again and again with a silent, passionate intensity that seemed out of proportion to her tiny size. It gave the looker-on a curious sense of tenderness towards her ever afterwards.

It was an odd life they led, isolated in the midst of a crowd, with a false air of home, in which nothing could in reality be less homelike. Of an evening especially, when the curtains had been let

down, the dinner was over, Jan had gone to bed, and her three elders sat down to spend it together in their big hotel parlor — so unmistakably a hotel parlor — in spite of Algernon Cathers's adornments — John Lawrence used to be struck with the oddity, the incongruity which had made him a part for the time being of their life. If any one had prophesied such a thing six months before, how he would have scoffed at its possibility!

That it was in many respects a wearing life, for Lady Eleanor especially, there could be no question. Algernon Cathers's restlessness and nervous irritability had a contagious effect, and was the more trying seeing that there was so little definitely the matter with him. He was not ill enough to be treated as an invalid, yet so ill that the slightest imprudence might at any moment bring on a formidable, not to say fatal attack. He took an inordinate, almost unnecessary care of himself as a rule, and yet had an incalculable propensity for now and then running serious risks, for no other object apparently but to vindicate his right of doing so if he chose.

The weather, which had been delicious the first few days, changed not long after their arrival, and for nearly a week winds blew, and scuds of mist sped like sheeted ghosts across the bay, blotting out the Carraras as with a sponge. Algernon, whose susceptibilities made him a perfect barometer, dropped first to changeable and then to storm. He was more irritable than he had been since Colonel Lawrence first joined them; more provoking, and more impossible to satisfy; declaring one moment that he would go off in the yacht to Sicily or Corfu, where at this time of year there must be decent weather to be found, and the next that he would leave the following morning for England. If you were to be starved with cold winds and never get a glimpse of the sun, surely it was more rational to undergo that penance in your native land, where there would at any rate be compensating advantages.

Out of the midst of this broken weather there suddenly, however, arose a divine morning, one of those mornings the divinity of which, like that of all supremely lovely things, almost saddens one with a sense of its fragility. It was hastily resolved to make the most of it, and accordingly the party took a carriage and drove to Porto Venere, passing first those interminable stretches of crude white walls behind which the pride of Italian naval



architecture shrouds itself from the eyes of the vulgar. The day was of that exquisitely living and breathing quality, which seems to penetrate the soul; as it were the very breath of spring blowing against the face. Nothing could be more inspiring, yet the spirits of none of the party seemed to respond properly to the challenge. Lady Eleanor looked tired, her eyes showing those violet underlines which John Lawrence had come to regard as indicative of some unusual disturbance. Her husband lay back on his cushions staring at the glittering procession of the Carrara chain with eyes which seemed to demand something more striking, more precipitous, more worthy generally of their distinguished consideration. Such conversation as there was, was chiefly supplied by the colonel and Jan, who shared with him the back seat of the carriage, and neither of whom were ever notable conversationalists. When, after innumerable windings, the last headland of the bay came in sight, and upon its outermost point was seen that crumbling cataract of houses which covers, it is said, the lost temple of the goddess, every one started, and seemed to rouse him or herself suddenly to a sense of the situation.

Porto Venere is like ten thousand other time-forgotten Italian villages, only—as the phrase runs—more so. Ragged shells of houses, more shell-like, more ragged, more honey-combed than usual, more crumbling, more densely inhabited, more gratuitously dirty and dilapidated. With a certain stateliness of its own, yet suggestive somehow of an overturned ant-hill, a closely populated rabbit-warren, or some such sub-human aggregation, rather than anything more definitely and conceivably habitable. Getting out of the carriage, they walked under the tall gateway, up the one narrow precipitous street, between doorways through which the eye—ranging across an interregnum of darkness and filth unspeakable—sought and found again with refreshment the deep blueness below, close as the water is to a Venetian house, but with a drop of forty or fifty feet of rock below the foundations, and blue as a dissolved sapphire. Bare-legged boys and girls poured after them in a torrent, armed with wriggling starfish, with handfuls of seaweed and corallines, with hippocampi, whose little horse-like heads and twisted tails suggest the impossibly heraldic supporters of a shield. The noise beat and beat and returned again to the ear from the sides of the houses, pierced with apertures which could hardly

by courtesy be called windows, but out of which heads bent, and arms waved, their owners sending down their contribution of noise to swell the clamor below.

Midway up the ascent Algernon Cathers announced his intention of turning back. He supposed they *liked* the flavor of fish three weeks gone in putrefaction, and enjoyed having their clothes pulled by little black-handed demons, and old women with cheeks hanging in bags about their chins. As, however, he appreciated none of those things, he would go back and wait on the rocks until their curiosity was satisfied.

Lady Eleanor at once offered to return, but he refused peremptorily to hear of it. He liked his sightseeing done vicariously, he said; it came to much the same thing in the end, and saved you a world of trouble. After a glance, however, at the church, whose effectively striped black and white walls stand over the site of the temple which still gives its name to the headland, she hastened back, the colonel and Jan of course bearing her company.

They entered the arch below, capped with its Byronic legend, and reached the edge of the cliff from the foot of which that hero is supposed to have precipitated himself into the waves. The waves were tossing still, but in place of the poet they found Algernon Cathers standing upon the brink, with a crowd of village tatterdemalions of both sexes about him, and a chorus of tongues arising which seemed even more than the necessary accompaniment of their presence. Unaccountably too, instead of holding nose and ears, and shrinking away in disgust, he was standing erect, laughing and radiant, looking more like the Algernon Cathers of the Mentone days than John Lawrence had seen him yet. As they came up, one of the elder women was seen to be making frantic snatches at his hand, evidently with the intention of kissing it. A small barefooted boy was sobbing violently, and being alternately slapped and hugged by the other women. Lady Eleanor hurried forward with an air of consternation.

"What is it, Algernon? Aren't these people disturbing you?" she exclaimed.

"Not at all, my dear. Under other circumstances I admit they might, but at present I am enjoying the sweet savor of popularity, which is invariably we know combined with other savors of a less odoriferous nature. Allow me to inform you that Byron—usually regarded as the *genius loci* of this classic spot—has just been superseded in favor of your unworthy



husband, who now reigns in his stead. He, it is true, swam, or is said to have swum to Lerici, but what of that? He did it, if at all, at the impulse of an unregulated vanity, whereas I, you will be glad to hear, have just vindicated my heroism and philanthropy by saving a small boy's life!"

"Saving a boy's life! O Algernon!" There was surprise, self-reproach, a whole world of concealed disappointment in the cry.

"Fact, my dear. You did not believe me capable of anything of the sort, did you? You thought it was only herculean heroes like our friend Lawrence there who did those sort of things. I excuse you, however, and will not even ask you to grovel at my feet as this good woman appears to be doing. It must be owned the occasions that have arisen for me to display heroism during our married life have not been numerous."

"But how was it, Algernon? What happened? Were you in any danger? Please tell me."

"I'm afraid not, my dear; I regret it extremely, for your sake, and will endeavor to do better next time. I know your passion for the perilous."

"But what happened? Do tell me," she repeated.

"This excessively dirty little boy was merely executing pirouettes at the edge of the cliff, — a talent much in vogue here and apparently calculated to extract small coins from the pockets of visitors. On this occasion, however, he rather overdid his part. Either he slipped, or one of his companions may have helped him, anyhow, he fell over, or all but over, hanging on by a finger, an eyelid, or something, to the edge. I hastened forward, and with my usual intelligence at once perceived that the only chance was to get hold of him from below. Accordingly I stepped upon that ledge you see there while two of his companions sustained him from above. The first time I only got hold of some portion of his garments, which I need hardly tell you at once gave way; next time, however, I seized a leg or an arm, which, being fortunately attached to his body, held. I had just got back with him to the top when these good ladies came up, one of whom appears to be the proprietor of the urchin in question, and with the readiness of their nation they were executing an appropriate tableau of gratitude when you also appeared upon the scene."

"Oh, Algernon, I am so glad! And I

am sure even if there *had* been danger you would have done it all the same."

"Very well, my dear, let us suppose that I should. I have no objection. Meanwhile, as this scene, though gratifying, seems to have been sufficiently prolonged, I suggest we return to the carriage. The sweet savors of popularity are getting too pronounced."

Outside they found a still larger gathering of the society of the place drawn together by a report of the adventure, which had been carried abroad by small scouts; drawn too no doubt by a vague expectation that a rescuer who was also a milord might be prodigal of more direct benefit to the community at large than the restoration of one of her decidedly superfluous offspring. Nor for once were these calculations unfounded. Algernon Cathers was in the most recklessly prodigal of moods; pleased with himself, and disposed therefore to be pleased with every one else. Under the influence of this mood he produced handfuls of coins, and when these were exhausted, small pieces of paper money, which he proceeded to scatter broadcast, laughing with schoolboy delight as the whole population — crones and greybeards, children barely out of arms, and bronzed men with the classic chins and crisp curled heads of Roman emperors — proceeded to precipitate themselves pell-mell upon the largest; scuffling, scrambling, all but snapping at one another — a humiliatingly close imitation to a pack of hungry hounds.

When his own store and as much as he could borrow from the others was exhausted he got into the carriage, tossing as he did so a couple of gold pieces to the mother of the boy, a proceeding which naturally evoked still louder tributes of gratitude, amidst which the carriage drove away, Algernon Cathers throwing himself back and laughing again and again, to the intense astonishment of his small daughter, who gazed at him from the opposite seat with the round-eyed wonder of a kitten endeavoring to understand some novel manifestation upon the part of the familiar house dog.

"How pleased they were, poor things!" Lady Eleanor said, looking back.

"With the money? I never knew an Italian that was not, and not many of any other nation."

"I meant with what you did. They will make a story of it, and tell it to all the other travellers who go there."

"Put a memento over the gateway as a companion to that piece of braggadocio

about Byron. Happily they don't know our names, so my modesty will be spared that pang. Meanwhile it is quite time that we composed ourselves and regained our accustomed dignity. Look at Lawrence! See how he is turning up his nose in contempt of our twopenny-halfpenny excitement! *He* is in the habit of saving a couple of people's lives every morning before breakfast, and saying nothing about it. Ask him if he isn't?"

"Colonel Lawrence is doing nothing of the sort," Lady Eleanor answered before he had time to defend himself. "He is never contemptuous of anybody."

"Even of such poor worms as your husband—that is your wifely insinuation, is it not? Never mind, my dear, pray don't trouble yourself to apologize. My skin is pretty tough, or ought to be by this time. A husband who expects to remain a hero in his wife's eyes, must really in these days be a person of curiously credulous disposition."

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From The Contemporary Review.

#### MODERN HISTORIANS AND THEIR INFLUENCE ON SMALL NATIONALITIES.

No political fact is of more importance and interest in modern Continental history than the tenacity with which the smaller nations of Europe preserve their pride of nationality in the face of the growing tendency towards the formation of large, strongly concentrated empires, supported by powerful armies. Why should Portugal utterly refuse to unite with Spain? Why do Holland and Belgium cling to their existence as separate States, in spite of all the efforts of statesmen to join them? Why do the people of Bohemia and Croatia, of Finland and of Poland, refuse to coalesce with the rest of the population of the empires of which they form but small sections? Why, finally, do the new kingdoms of Roumania and Servia show such astonishing vitality? The arguments as to distinctive race or distinctive language fail to answer all these questions. The people of Portugal are of the same race and speak nearly the same language as the people of Spain; and the Russians and the Poles are closely akin to each other. It is not enough to say that these small nationalities simply preserve the traditions of their past independence to account for the existence of their national spirit at the present time. Centuries have passed since the provinces which now form

the kingdom of Roumania, since Servia, Finland, Bohemia, and Croatia lost their independence; strenuous efforts have been made to stamp out the recollection of that independence, and yet the inhabitants of those provinces retain their national pride and patriotic feelings as tenaciously as Englishmen, Frenchmen, Germans, or Russians. Time was on the side of the great powers which strove to crush out this national spirit, and in some of these countries it had at the commencement of the present century nearly ceased to exist. But it has now revived with redoubled vigor; Czechs, Finns, Roumanians, Servians, Poles, Belgians, and Portuguese are prouder than ever of their nationality and of their history, and there is in the future very little probability that these races will ever lose their national pride and sense of independence, even if they remain, as some of them do still, subject to foreign rulers, and component parts of great empires.

This rekindling of the national spirit is the result chiefly of the development of the new historical school all over the Continent. Instead of remaining in ignorance of their past history, or, at best, regarding a mass of legends as containing the true tale of their countries' achievements, these small nations have now learnt from the works of their great historians what the story of their fatherlands really is, and what title they have to be proud of their ancestors. These great historians—Herculano, Palacky, Széchenyi, and the rest—who made it their aim to tell the truth and not to show off the beauties of a fine literary style, all belonged to the generation which had its interest aroused in the history of the past by the novels of Sir Walter Scott and the productions of the romantic school, and they all learnt how history was to be studied, and then written, from Niebuhr, Von Ranke, and their disciples and followers. From these masters they learnt that their histories were not to be made interesting at the expense of truth; that legends, however beautiful or patriotic, were to be rejected, if found to be without foundation; and that the two chief qualities required by a modern historian were patience in wading through masses of documents, and critical insight in dealing with them. Studying history after this fashion must needs be laborious, and can never be adequately rewarded in money, but a life spent in discovering and compiling the true history of a nation is bound to meet its own reward at last in fame. Nowhere is such a life more hon-

ored and respected than in such small countries as Portugal and Bohemia; and the earnest historians of those nations won their reward in seeing that their labors were appreciated, that their fellow-citizens took a growing interest in the records of their country, that they rejoiced with a new joy in past glories when the story was shown to be correct and not a concoction of myths, and that they felt more pride in their national heroes when they recognized them to be, not demigods, but human beings, who had lived, suffered, and died, and who had felt the influence of the same passions which swayed themselves. Students of the modern historical school have had the satisfaction to reap this reward to some extent in every country on the Continent, but it is only among the smaller nations that their labors have been of permanent political importance.

The truth of these general remarks will be best illustrated by an examination into the revival of the spirit of nationality and independence in some of the smaller nations of Europe, and the influence of the new school of historians upon it. In no country has this influence been more important than in Portugal, and it is worth while to dwell upon its importance there at some length, because the great modern historian of Portugal is entirely unknown in England. At the beginning of this century the old national spirit seemed to be dying out in Portugal; the people wished to rest after their exertions during the Peninsular War; but instead of being able to remain at peace their country was torn with civil strife. In the midst of these troubles the opinion grew up, especially amongst the Portuguese radicals, that what they called the ridiculous and unnatural separation of two such kindred nations as Spain and Portugal should cease, and that the two countries should be united. The favorite dream of these radicals was the establishment of a great Iberian republic to embrace the whole of the peninsula, for they could not help comparing their absolutist pretender Dom Miguel with the Spanish Don Carlos, and hoped for the active aid of the Spanish liberals against him. But it was not only the Portuguese radicals who looked forward to the union of the Peninsula into one political whole. Even such a staunch supporter of the little queen Maria da Gloria as the Marshal Duke de Saldanha professed a belief in the expediency of Iberian unity to the end of his life, and the moderate royalist statesmen, almost

without exception, regretted that there was no king upon the throne of Spain to marry their young queen regnant. The feeling that it would be advantageous to unite with Spain was particularly strong among the educated classes in Portugal. They felt that neither country could enjoy the peace and security necessary for the increase of material prosperity unless the other was tranquil, and they could see no reason why there should not be a union between them. Among the lower classes of the Portuguese nation the old rancorous hatred of the Spaniard still existed, but there was, nevertheless, among the *bourgeoisie*, and all classes above the very lowest, at the close of the Miguelite wars, and during the troubles which followed the introduction of parliamentary government, a decided feeling towards a union with Spain, which only found no open manifestation on account of the internal troubles in Spain itself. That feeling has now entirely disappeared. No Portuguese radical now dreams of an Iberian republic; no statesman would now dare to advocate a union with Spain; the educated classes are once more proud of their country's glorious history, and of their own marked spirit of nationality; and this change of feeling has been chiefly brought about by the labors of the great Portuguese historian, Alexandra Herculano de Carvalho e Araujo and his disciples, and by the modern Portuguese poets, Joao Baptista Almeida-Garrett and Antonio Feliciano de Castilho.

A sketch of the life and career of Herculano will show best how he became a historian, and with what motives he entered on his arduous labors. Alexandra Herculano de Carvalho e Araujo was born at Lisbon in 1810, and was sent to Paris for his education. He there imbibed such revolutionary ideas that soon after he returned to his family in Portugal he was forced to go into exile in 1831, when the adherents of Dom Miguel, the defender of absolutism and the monks, became all-powerful. In the following year he served under Dom Pedro in the defence of Oporto as a volunteer for a short time, but soldiering was not to his taste, and he soon retired to England, where he spent a few months, and learnt to read Walter Scott's novels in the original. From England he went on to Paris, where he lived among the young and enthusiastic followers of the romantic movement, directed by Guizot, Cousin, and Villemain, of which the poets were Lamartine and Victor Hugo. After the final overthrow of the Miguel-

ites, and the Convention of Evora Monte in 1834, Herculano went back to Lisbon, and there started the *Panorama*, a weekly political and liberal journal, in which he published his first articles and poems. He had arrived in Lisbon an advanced liberal and a believer in parliamentary government, but the perpetual and useless civil wars which succeeded each other between 1835 and 1851 nearly exhausted his patience, and sorely tried his political opinions. It was at this period that he began to turn from the contemporary troubles of his country to the history of its past glories. This feeling showed itself also in other young Portuguese liberals of the time, notably in Almeida-Garrett, and Castilho, and all three vented their feelings in historical poems. The outpourings of Herculano's muse were confessedly inferior to his friends', and were published in 1836 and 1838 respectively, under the titles of the "Voz do Profeta," or "Voice of the Prophet," and the "Harpa do Crente," or "Harp of the Believer." Both these little volumes give abundant proofs of Herculano's admiration for Lamartine and the poets of the French romantic school, and of his mastery over the Portuguese language; but it was evident from them that he had not yet found the most appropriate channel for the expression of his thoughts and opinions. In 1843, however, he came nearer to his true vocation by publishing the first part of a historical novel, "O Monasticon," under the title of "Eurico o Presbytero." This historical novel showed the influence of Walter Scott as clearly as the poems showed that of Lamartine; but it showed something else besides—a singular power of comprehending the far distant past, and a fine style of historical description. It was at this period that he began to compose his history; he had for years worked hard among the archives at Lisbon, and had collected much valuable historical material for his "Eurico o Presbytero." He now began to marshal his facts into a consecutive narrative, and in 1845—the year before the horrible civil war known as the War of Maria da Fonte, or Patuleia—Alexandra Herculano published the first volume of his "Historia de Portugal."

The publication of this volume marks an epoch in the literary history of Portugal. There had been great chroniclers who had told the early story of the wars against the Moors, such as Ruy de Pina, Duarte Galvao and Acenheiro; there had been great historians—great rather in style than in accuracy—in the palmy days

of Portuguese literature, such as Bernardo de Brito and Antonio Brandao; there had been distinguished writers in the seventeenth century, such as Jacinto Freire de Andrada, the author of the life of Dom Joao de Castro, one of the most beautiful biographies ever written; there had been diligent collectors and editors of ancient chronicles and documents, such as José Correa da Serra and the Viscount de Santarem; but there had never before been a scientific Portuguese historian. The second volume of his history, going down to the death of Alfonso III. in 1279, was published in 1850, with two dissertations or essays on the elements which composed the Portuguese people, and on the history of the municipalities of the country. Weight has purposely been laid on the career of Herculano in order to bring out the sources from which he obtained his historical inspiration. He had been led to take an interest in the early ages of Europe by his study of Walter Scott and of the French romanticists, and he had learnt from these masters of fiction that the men and women of all centuries are alike human, and are never demigods or fiends in human shape. He was therefore ready to disbelieve in legendary stories, which made men more or less than human, while not neglecting the picturesque point of view in the lives of the men of past ages. But while it was from these masters that Herculano learnt his attitude towards the past history of his country, he derived his method of study from quite a different school. The influence of the German historical school, of which the most illustrious masters have been Niebuhr and Von Ranke, and of which the disciples are now numerous all over the Continent, had penetrated even to Portugal. Early history, Herculano learned, could only be re-written after an elaborate study of ancient documents and a careful comparison between them, and nature fortunately granted him the qualities of patience to wade through documents, and of critical insight by which to judge them. To this power of indefatigable study he added the gift of a keen perception of the picturesque, and the talent to tell history with clearness, conciseness, and eloquence. No wonder, then, that he became a great historian, and the founder of an historical school which was to have great weight in the politics of his native country. The very bitterness of the opposition of the clerical and conservative party against him showed what excitement the publication of Herculano's



history had caused in Portugal; its influence was felt alike in politics and literature; no more was heard of a union with Spain; Saldanha's rising of 1851 failed utterly; and patriotism being alive once more, the leaders of a political party, when defeated in the Cortes, tried to obtain their ends by peaceful and constitutional opposition, instead of by raising armies and plunging the country into civil war. To attribute this happy change to the publication of Herculano's history entirely would be ridiculous; but its influence counted for much, for it undoubtedly turned the minds of his countrymen away from the bitterness of their party feuds to think of the cause of their country alone, and made them take more interest in the history of their past glories. On Portuguese literature it had an even more important effect. It produced a school of new historians contented to labor for the truth, and changed the minds of the young men of the time from the writing of melancholy poetry to the study of history and its attendant sciences, political economy and critical jurisprudence.

The later career of Herculano was not of the same political importance. He published no more of his history after 1850, but in 1854 and 1855 appeared his work, "On the Origin and Establishment of the Inquisition in Portugal," in which he proved how greatly the Roman Catholic Church was answerable for the degradation into which Portugal sank in the seventeenth century, and thus gave a helping hand to his friend Castilho's scheme of secular education. He remained an indefatigable writer on every sort of subject, though it is hardly necessary to mention more of his works except a collection of charming little historical novels published, under the title of "Lendas e Historias," in 1851, and his essays, or "Estudos Historicos," in 1876. Far more important was the work he did as an editor of old chronicles. Recognizing, as he did, that it was only possible to understand history by studying contemporary documents, Herculano commenced the publication of the "Portugalliae Monumenta Historica," an immense series of reproductions and editions, of which the cost was defrayed by the Portuguese government. This series he divided into three sections: "Scriptores," containing editions of unpublished chronicles and lives of saints, "Leges et Consuetudines," and "Diplomata et Chartæ." For producing these editions Herculano had great advantages from the position he held as librarian to the king,

and upon them he bestowed the chief labors of his later life, thankful to see younger students coming to his help, and admiring the works of those who were proud to call themselves his followers and disciples. In their admiration, and that of his countrymen generally, he felt that he had his reward; and his greatness as the founder of the scientific historical school in Portugal was recognized on January 22, 1858, by his election to the highest honor open to a European historian, that of corresponding member of the Institute of France in the section of inscriptions and belleslettres. Towards the end of his life he retired from Lisbon to live a hermit's life on a little property he possessed near Santarem, and was visited there by a Spanish author, Don Ricardo Blanco Assenjo, who describes him in eloquent if rather far-fetched language as a "Cincinnatus, handsome as statue by Flaxman, with much of Cato's rudeness and Seneca's philosophy. His life was a desperate struggle, the grand protest of a soul indomitable in its greatness, which will have naught to do with the repugnant miseries of reality, as represented in this epoch by political quackery, religious hypocrisy, ignorant vanity, envy, and evil-speaking."

Herculano died on September 13, 1877, but the work he commenced has been continued, and, for a small country, Portugal can boast of an unexampled list of modern scientific historians. The result of their work has been to continue the impression which he made upon the minds of his countrymen, and there is hardly any nation in Europe more proud of its nationality than the Portuguese. Of these followers it is only possible to mention a few names, of which the most distinguished are those of Luis Augusto Rebellos do Silva, whose "History of Portugal" treats of the years from 1642 to 1756; Simiao José da Luz Soriano, José Maria Latino Coelho, A. P. Lopes de Mendonça, and Francisco da Fonseca Benevides, whose "Rainhas de Portugal," published in 1878, is one of the ablest modern works on the history of his country. It is interesting to note that the careers of these men do not justify the saying that a prophet has no honor in his own country; on the contrary, although the names of the new school of Portuguese historians are almost unknown out of Portugal, they are there honored for their labors. Herculano was for a time himself a member of the Portuguese Cortes, and both Rebellos do Silva and Latino Coelho held seats in the Cabi-



net at different times. All are proud of their work, and do not spare labor over it; and it is certain that the great influence which Herculano and his followers have exercised upon the politics of Portugal has been entirely good, and that it has forever killed the notion of a union of the whole Iberian peninsula under either a monarch or a republic.

It is a far cry from Portugal to Bohemia, and yet it is in the latter country that the new historical school has exerted a political influence second only in importance, if inferior at all, to that exercised by it in Portugal. The policy of the emperors, ever since the conclusion of the Thirty Years' War, had been to stamp out the Czech nationality, and to Germanize the people of Bohemia. The Czech language was proscribed in legal and other documents, it was not allowed to be taught in the schools or in the University of Prague, and the children of the Czech nobility were carried off to be educated and married at Vienna. The work, then, of the Czech historical revival of the present century was not, as in Portugal, to resuscitate a pride of nationality which had never become extinct, although dormant, but to call back the Bohemian people to remember that they had once been a nation at all. Herculano had had a difficult task; but that of Dobrowski and Palacky was still more difficult, for while the Portuguese language had never, even in the most debased days of Portuguese history, lost its form as a literary language, the Czech had for a century and a half been practically proscribed and regarded as a language fit only for the peasantry of Bohemia. Franz Palacky is the central figure of the Bohemian historical revival, and his influence was even greater, from a political point of view, than that of Herculano. He was the son of the village schoolmaster of Hodslavice in Moravia, and was born in 1798. He was educated at the University of Pressburg, and while acting as a private tutor in Vienna made the acquaintance of Schafaryk, the Bohemian poet, with whom he collaborated in many works during the next few years. In 1823 Palacky established himself at Prague, and began his researches into the old Czech chronicles, which were to form the basis of his historical labors. He began modestly, by publishing articles and memoirs on special subjects; but his merit soon became known, and in 1829 he was appointed national historiographer by the States of Bohemia. From this time he

steadily worked at his great history, of which, however, the first volume was not published for some years, and he pursued his search after authorities and authentic documents, not only in the public libraries of Europe, but also in the archives of the old Bohemian nobility. During these years of preparation he published two volumes which deserve mention — his "History of the Early Years of Wallenstein," and his "Life of Joseph Dobrowski." Palacky felt that his own work was to some extent the sequel of that of Dobrowski. Dobrowski was rather a philologist than a historian, but Palacky recognized how great his merits were, and how great the services he had rendered to his country. Dobrowski had revived the study of the Czech language; it was reserved for Palacky to rewrite Czech history. In 1836 appeared the first volume of Palacky's "History of Bohemia," published simultaneously in German and Czech. The book made its mark at once, and it was recognized in Germany that a great genius had risen. Palacky was essentially a disciple of the new historical school, a follower of Niebuhr. He had labored diligently among chronicles and documents to discover the truth, and, like Herculano, did not fear to destroy the legends which were most cherished by the Bohemian people, when he found that they had no historical basis. The success of his work among his fellow-countrymen was immense. In spite of the policy of Austria, the Czech national spirit had not been destroyed; the nobility and bourgeois had been to some extent Germanized, but the Slav feelings had not been extinguished. The work of Palacky completed what Dobrowski and Schafaryk had begun; it made known to the Czechs of the nineteenth century what manner of men their ancestors had been, and what great deeds in the past they had done for their descendants to remember with pride. Palacky no more caused the Bohemian revival of the present century than Herculano had caused that of Portugal, but he became the central figure, and the father of the new historical school there, which signalized the revival. Like Herculano, he did not bring his history down to modern times, but between 1836 and 1854 he published six volumes, going down to the end of the reign of King Sigismund. The publication of each volume was almost an historical event; in each, old legends were destroyed, and the early history of the Czech people, with its curious and

interesting development, was for the first time truly and clearly narrated.

As has happened in Portugal, and in every country in which the new historical school has had a real influence, its leaders have played a political part, and a very important one. In 1848, the year of revolutions, troubles broke out in Bohemia, as in other parts of the Austrian dominions, and a large portion of the youth of the nation loudly demanded the absolute independence of Bohemia. Palacky, though he had done so much to encourage the growth of the spirit of Czech nationality, had studied history too deeply to be led away by this movement. He understood that by obtaining practical independence and local government the Czech nationality would gain all it wanted, that absolute severance from Austria would involve the little State in perpetual quarrels with the German kingdoms around it, and that a federal union with the rest of the Austro-Hungarian Empire would be a source of strength and not of weakness to Bohemia. With these views, he boldly combated the extreme Czech party, and even accepted a seat in the Bohemian Cabinet as minister of public instruction. Austrian statesmen did not forget his conduct at this epoch, and in 1861 the great historian was made a life member of the Austrian House of Lords. In the united Austrian Parliament he became, with his son-in-law, the distinguished political economist Rieger, a leader of the Slav party, and steadily opposed the attempts of the more aggressive Magyar politicians to obtain for Hungary more than her fair share in deciding the policy of the Austrian Empire. But political affairs did not wholly absorb the energies of Franz Palacky's later years. He never forgot that he was a historian more than a politician, and that it was to his greatness as an historian that he owed his political influence. Like Herculano, he devoted himself after the completion of his history to the collecting and editing of ancient chronicles and documents. He knew that that was the only way by which early history could be truly studied, and spared no labor in such work. He superintended all the editions of the various publications of this nature issued by the Academy of Prague at the expense of the Bohemian government, and himself collected and issued a collection of documents on John Huss, the Czech reformer, which threw an entirely new light on the early career of the man who, with John Ziska, the blind general, shares the honor

of making the Czech history for a period of the greatest importance to the general history of Europe. Palacky himself died at Prague on May 26, 1876, but he left behind him a band of disciples, who have continued his labors, and have made the modern school of historians especially conspicuous and well represented in the little State of Bohemia. The publication of documents increases apace, and of the numerous series perhaps the most noticeable are the "*Fontes Rerum Bohemicarum*," and the "*Codex Diplomaticus et Epistolaris Moraviæ*;" while among the followers of Palacky may be mentioned Gindely, Tomek, and Jaroslav Goll, the learned author of the bulletins on Bohemian history published from time to time in the *Revue Historique*. The labors of these historians and editors of documents have all tended in the same direction — to ascertain the true history and development of the Czech people. The result has been a revival of the Czech spirit of nationality, which in some instances is carried almost to ridiculous extremes. The division of the University of Prague into a Czech and a German university in 1882, and the encouragement of the teaching in primary schools of the Czech language, literature, and history, is sufficiently praiseworthy; but the affectation of some of the younger Bohemians, who, while knowing German perfectly well, pretend only to be able to speak Czech, is simply absurd. Yet this very affectation shows how great an influence the Czech revival of the nineteenth century has exercised; this small nationality planted in the heart of Germany preserves its pride, and is determined to hold its own against the Germans on the one hand and the Russian Slavs on the other. Modern ideas will never allow another attempt to extinguish this national spirit, and Czechs in future ages, when they recognize the debt they owe to the leaders of the revival of the nineteenth century, will not fail to give the first place to the founder of the modern historical school in Bohemia — to Franz Palacky.

The influence of the modern scientific historical school is best illustrated in the cases of Portugal and Bohemia, and Herculano and Palacky are two great historians whose careers and work are not generally known in England, and for these reasons more attention has been given to them than it is possible to give here to other small nationalities. Yet a few words must also be devoted to the effect of scientific historical work in Roumania, Finland, and

Poland, in each of which countries it has had an important political influence. In none of these countries has an historian arisen comparable to either Herculano or Palacky in the depth of their historical researches or the excellence of their style, but in all of them sound work has been done in publishing and critically examining ancient chronicles and documents. These editors and historians are all disciples of the new school of Niebuhr and of Ranke, and seem to have taken their inspiration to become diligent seekers after truth, instead of cultivators of an elegant style, from Ranke's "*Kritik Neuerer Geschichtschreiber*," in which he pointed out the right method to pursue. If none of these historians can claim a place with Herculano and Palacky, they can yet boast of having possibly paved the way for the work of an equally great writer, and of having exercised an important influence over the minds of their countrymen.

The vitality of the new historical school in Roumania is particularly remarkable, for in the Danubian provinces which form that kingdom, even more strenuous efforts had been made to stamp out the national spirit than in Bohemia. The extraordinary rapidity with which the Roumanian people has reasserted itself in recent years, is one of the most remarkable facts in modern European history, and it is largely due to the labors of its historians. Up till 1822 the Roumanian language was vigorously proscribed; the rulers of the Danubian provinces permitted instruction to the upper classes in the language of the rulers only, and while Slavonic, and in the days of the Phanariots Greek, was the official and fashionable language, used in educating the nobility and bourgeois, the peasants were left in ignorance. Four men, whose names deserve record, first endeavored to raise the Roumanian language to a literary level, and not only studied Roumanian history, but tried to teach the Roumanian people something of their own early history. Of these four, George Schinkaï was by far the most remarkable. He was an inhabitant of Transylvania, a Roumanian province which still remains subject to Hungary, and he first thought of trying to revive the Roumanian nationality by teaching the people their history. He arranged the annals of his country from A.D. 86 to A.D. 1739 with indefatigable labor, during the last half of the eighteenth century, and, according to Edgar Quinet, in such a truly modern manner, after such careful weigh-

ing of original authorities, and with such critical power, that he deserves to be ranked with the creators of the modern historical school. It need hardly be said that Schinkaï's history was not allowed to be printed by the Hungarian authorities, who had no desire to see the Roumanian nationality reassert itself, and the censor marked on it "*Opus igne, auctor patibulo, dignus*." It was not published until 1853, more than forty years after its completion, and then only at Jassy, for the Hungarians still proscribed it in Transylvania. Schinkaï's friend, Peter Major, was more fortunate in his work, a "*History of the Origin of the Roumanians in Dacia*," which, as it did not touch on modern society, was passed by the Hungarian censorship, and printed at Budapest in 1813. The two men who first taught Roumanian history in the provinces which now form the kingdom of Roumania were not such learned men as Schinkaï and Peter Major, but their work was of more practical importance. In 1813 George Asaky got leave to open a Roumanian class at the Greek Academy of Jassy, under the pretext that it was necessary to teach surveying in the Roumanian tongue, because of the questions which constantly arose in that profession, in which it would be necessary to speak to the peasants in their own language, and in his lectures he carefully inserted lessons in Roumanian history, and tried to arouse the spirit of the people. George Lazarus imitated him at Bucharest in 1816, and the fruit of this instruction was seen when the Roumanians partially regained their freedom. The Moldo-Wallachian princes encouraged the teaching of Roumanian history, as they encouraged the growth of the spirit of Roumanian independence, and when the Roumanian Academy was founded, an historical section was formed with the special mission of studying and publishing documents connected with Roumanian history. The modern scientific spirit has spread widely throughout the kingdom, and such men as Odobescou, Papiu Ilarian, the bishop Melchizédek, and Alexis Xénopol, have done, and are doing, good historical work; while the publication by the Roumanian Academy of the series of documents extracted from the archives at Vienna, having reference to Roumanian history, shows that it is thoroughly understood that good work can only be done, and truth only be discovered, by the critical study of original authorities.

Though perhaps not in the same degree as in Roumania, it is curious to note that the modern historical spirit has spread even into Finland, where it is concentrated at the University of Abo. The Finns have never coalesced with the Slavonic population of Russia, and while showing no sign of rebellion or discontent as long as their own institutions are not interfered with, they have of recent years experienced a remarkable literary development. At present the Finnish revival has been, under the influence of Ahlquist, as much philological as historical, but the pupils of the great philologist do not follow exactly in his steps, and show by their publications a decided tendency towards historical study. The most curious point about this revival is that except among some of the younger Finn students, who dream perhaps of a Finnish republic, most of the historical teachers and writers openly avow their belief in the expediency of continuing the union of Finland with Russia, in preference to being once more attached to Sweden. The dream of the Finnish national party at the beginning of this century was always for a reunion with Sweden, and it was on this account that Adolf Arwidson, its leader, and professor of history at the University of Abo, was banished in 1822. The modern Finnish historical students feel, as Palacky felt in Bohemia, that as long as Finland preserves practically its local independence, it is rather an advantage for her than otherwise to form part, for purposes of foreign affairs, with a great empire like Russia. Yet while advocating the maintenance of the union, the Finns do not in any way renounce their own feeling of nationality, but, on the contrary, the development of the new historical school in their midst has, as in every other country, only increased the pride of race.

In Poland, the interest caused by the development of the new historical school in Germany is far greater than even in Portugal, or Bohemia, or Roumania, but it has not yet produced any distinguished historian, and its influence has yet to be seen. The progress of the new treatment of history had particularly serious difficulties to encounter in Poland, because of the singular success of the various badly written histories which appeared during the first half of the present century. Such works as those of Chodzko and Mieroslawski were conceived in the worst style of the eighteenth century; eloquent they may have been, and patriotic to excess

they certainly were, but they made no pretence of telling the simple truth. It is perhaps hard to blame exiles, who as a rule wrote and published in Paris, for these defaults, but none the less they have done most serious damage to the right appreciation and study of Polish history. Of recent years a natural reaction has set in; Polish historical students are publishing old chronicles and documents with bewildering rapidity, while there is a decided absence of real histories. This activity in the publication of historical material appears in Austrian, Prussian, and Russian Poland alike, but it naturally has its centre at Cracow. It would be impossible to name one-half of the numerous series of Polish documents which are appearing all over Poland, but especially at Cracow and Léopol; but a good analysis of their progress is to be found in M. Pawinski's bulletin in the number of the *Revue Historique* for March, 1887. The most important of these series are the "Acta historica res gestas Poloniæ illustrantia," in course of publication at Cracow under the editorship of M. Piekosinski, and the "Scriptores rerum Polonicarum," also appearing at Cracow; while the historians at Léopol, headed by Kentzynski, are producing a grand series of "Monumenta Poloniæ historica." Nothing more clearly defines how strong is still the sentiment of Polish nationality than this activity of the Poles in the study of their history. The historical workers there are keeping alive the spirit of independence, and while that fire is fanned there is little chance that the Poles will ever coalesce with the different empires to which they are attached. It is the wise policy of Austria to permit and encourage these historical studies, but it is almost a matter of surprise that they should be openly pursued in Russian and Prussian territory. The result has yet to come; meanwhile, many students, by working out the true history of their country, are rousing a more enduring love for her than the noisy parade of some of her former would-be defenders. The new method, it has been said, has hardly yet been fairly applied to the history of Poland; editors are many, but historians are few. M. Pawinski mentions a manual by Professor Bobrzynski, but confesses that no real history of Poland, according to the latest lights, has yet been written. Yet some good work has been recently done after the scientific method, and the names of Korzon, Kalinka, and Pawinski himself, may all be



mentioned as among the leaders of the new Polish historical school.

Enough instances have been given to show how great has been the influence of the modern scientific historical school upon the smaller nationalities of Europe, and how the result of trying to write history with accuracy, instead of only with dramatic vigor, has been to revive the interest of the people in the story of the past. What has actually been done has been pointed out in Portugal and Bohemia, and what is being done in Roumania, Finland, and Poland. But it must not be believed that these are the only countries in which the new school is exerting its influence; they are only chosen as types. There are not, indeed, such men as Herculano and Palacky in the other nations, but most of the small nationalities can boast of some distinguished modern historians, who are content to labor long and arduously before they bring forth their work, and in most of them the government, or else an academy subventioned by the government, is publishing valuable series of authentic historical materials. It is almost invidious to mention names, but among leading historians in small nationalities, who show the impression of the scientific school, might be mentioned Altmeier, Delepierre, and Theodore Juste, in Belgium; Geijer, Cronholm, and Fryxell, in Sweden; Erslev and Vedel in Denmark; Ljudevit Gaj in Croatia; and Constantine Asopios and Constantine Schinkas in Greece. There is of course no use in comparing these local historians with the great masters of the modern school, with Ranke and Droysen, for example, or with Sorel and Chéruel, or Amari and Césaire Cantù; but it may be contended that the actual influence exercised by their works is far greater. Great nations are not in any danger of losing their individuality; small nations used to be in very great danger. Now that there has been a revival of the national spirit, it is not likely that the danger will recur; and if it is to the advantage of Europe, as is surely the case, that these small nationalities should preserve their feelings of independence, if only to act as buffers to the growth of great empires, all Europe, and not only the Portuguese, Czechs, Roumanians, Finns, and Poles, should feel grateful to the local representatives of the scientific historical school, as represented by two of the greatest modern historians, Alexandra Herculano and Franz Palacky.

H. MORSE STEPHENS.

From Good Words.

# MAJOR AND MINOR.

BY W. E. NORRIS.

AUTHOR OF "NO NEW THING," "MY FRIEND JIM,"  
"MADEMOISELLE MERSAG," ETC.

## CHAPTER XXVIII.

### AN AMICABLE MEETING.

FROM the day of his succession to the Beckton estate, Gilbert Segrave had discharged the various duties entailed upon him thereby with a thoroughness which had amply occupied his time, and had prevented him from feeling bored; but although the life of a country gentleman was not altogether distasteful to him, it was hardly that for which he considered himself to be best adapted by nature, and when at length he granted himself a holiday, and went up to London to see his friends, his sensations were very much those of a schoolboy who has reached the end of an unusually long term.

To many people who repair to London every season, the society of that city simply means the meeting of their country friends in London houses; but Gilbert, who had taken a good deal of trouble in past time to form a large acquaintance, could look forward to rather more variety than that. He could look forward, too, to the increase of popularity which necessarily attaches to an increase of income; and as he was one of the rapidly diminishing minority of young men who like going to parties, his holiday promised to be an agreeable one.

Nevertheless, it was to a country acquaintance, or at least to a lady whose acquaintance he had made in the country, that one of his first visits was paid. He was very desirous of seeing Miss Huntley, not only for her own sake, but because he wanted to know why she had forestalled him in the purchase of land to which he conceived that he had a prior claim; therefore when he called at her brother's house in Park Lane, he was glad to hear that she was at home and would receive him. He was shown into the boudoir, of which mention has already been made, and on his entrance she looked up from the davenport at which she was seated, saying,—

"How do you do? You are more civil than your brother, who has never been near me all this time."

"You have been in communication with him to some purpose, though," remarked Gilbert, as he took possession of the chair to which she pointed.



"Indirectly I have. My lawyers have been in communication with his lawyers."

"And your bankers have had something to say to his bankers."

"Naturally; and the result of that is that my extensive property now adjoins your property. I hope you are pleased."

"Would you be greatly affronted," asked Gilbert, "if I were to answer that I am not?"

"Not the least in the world; I love the unvarnished truth. Added to which, I knew quite well beforehand that you wouldn't be pleased. You wanted the Manor House yourself, didn't you?"

She had risen and had placed herself in a chair facing her visitor, at whom she was looking with an ironical smile which he hardly knew how to interpret.

"I wanted it, and want it, very much," he replied. "What I don't understand is, why you should want it — always supposing that you do."

"Well, it looks as if I did, doesn't it?"

"Yes; but appearances are often deceptive. I wonder whether you would mind telling me what was your object in doing this eccentric thing."

"You may set the apparent eccentricity down to commercial instinct," answered Beatrice calmly. "That sort of thing is hereditary, and I belong to the Buswell genus, you know. By the way, I flatter myself that I have rather taken the wind out of Mr. Buswell's sails this time."

"And out of mine too, for that matter. Do you really mean to pull the house down and go in for building-leases, then?"

"I can't say what I may do eventually. Just at present my idea is to set up my household gods at Kingscliff. I like the place, and I like some of the people — Kitty Greenwood, for instance, and Mr. Monckton and Captain Mitchell, not to mention others who seem disinclined to give me a welcome. How did you leave them all?"

"Much as usual, I think," answered Gilbert; "and if they are all as overjoyed at the prospect of your settling among us as the humble individual whom you wouldn't mention, you won't have much reason to complain of them."

"Many thanks; but I understood you to say that you were anything but overjoyed."

"All I meant to say was that I wish you had fixed your choice upon any other dwelling than the Manor House. It is a tumbledown old place; it hasn't been lived in for years; you will have to spend a fortune in making it habitable, and —"

"And above all, you or Mr. Buswell, or both of you, had designs upon it. Why didn't you tell me this sooner?"

"You appear to have been aware of it. Besides, you didn't give us much time," observed Gilbert, laughing.

"I am so impetuous. My only excuse is that if I had let Joseph and Clementina know what I was meditating, they would have made my life a burden to me. I find that it is absolutely necessary to confront them with accomplished facts. What about the political outlook? Is your seat safe?"

"By no means so safe as it was, I am afraid. For one thing, I am told that I am to have a dangerous opponent in the person of one Giles, Q.C., who is gifted with a glib tongue; and then you have put a most formidable spoke in my wheel by preventing the extension of the borough. Buswell informs me that he takes this as evidence that I haven't the interest of the place at heart, and he half threatens to withdraw his support."

"I am quite inconsolable! What can I do to atone for my selfishness?"

"Nothing that I know of; but Buswell may relent, or I may be returned in spite of him; and if I am not — why, the loss of a seat in Parliament is not too high a price to pay for the pleasure of having you as a next-door neighbor."

"How pretty! And you really look almost as if you meant it."

"I do mean it," Gilbert averred boldly. She laid her head slightly on one side, resting her cheek on her right hand, while she gazed pensively at him. There was no denying that she was a very beautiful woman.

"Ah," she sighed — and if his life had depended upon it he could not have said for certain whether she was laughing at him or not — "what a pity it is that you can't both represent Kingscliff and have me near you! Is there no conceivable way of effecting the combination?"

Well, of course there was a way which was not only conceivable but so obvious that Gilbert was sure that she could not be thinking of it. Nevertheless, his heart beat faster and he was conscious of a constrained ring in his voice as he answered laughingly: "I think I ought to be contented with one or the other. We can't expect to get everything that we want in this disappointing world."

"But we can try," she rejoined. "I imagined that you were one of those people who always try to get what they want — and generally succeed."

Again he could make nothing either of her expression or of her intonation. Both appeared to be quite serious; and yet he was too shrewd and too sceptical to accept the flattering inference suggested. The hypothesis that she could be deliberately throwing herself at the head of a humble country squire was only admissible upon the assumption that she had fallen in love with that fortunate squire; and if such were the case — But Gilbert could not trust himself to dwell upon these perilous speculations.

"Oh, I assure you that I am by no means successful," he began hastily; for he had to say something, and how to end his sentence he knew not.

However, he was relieved from embarrassment on that score; for before he had got any farther, the door was thrown open and Mr. Segrave was announced.

"Another Mr. Segrave!" exclaimed Beatrice, rising. "Honors are falling upon me thick and fast this afternoon."

Brian strode into the room in time to catch her words, which brought him to an abrupt standstill. But it was only for a moment that he paused. Awkward encounters are seldom awkward in outward appearance, and this one had been anticipated on both sides, although it had now come about with unexpected suddenness. Brian, after shaking hands with Miss Huntley, said quite quietly, "How are you, Gilbert?" and Gilbert said, "Well, Brian?" — after which they all three sat down and began to talk commonplaces as fast as they could.

For five minutes or so this was well enough, and in truth each of these admirably behaved brothers, being sincerely desirous of avoiding unpleasantness, would have been content to go on in the same strain until one or other of them saw a fit opportunity for retiring; but they had to deal with a lady who did not love the commonplace, and to whom so matter-of-course a treatment of the situation may have seemed somewhat tame.

So after a time she addressed the elder, and — "When you came in," said she, "your brother and I were in full wrangle over the property which is mine now and was yours the other day. I have got it, and I am not going to give it up; but wasn't it a little bit cruel of you to sell it to me when you knew how badly he wanted it?"

Brian flushed slightly, but answered without hesitating, "I wished the house to go, if possible, to somebody who would live in it."

"And how can you tell that I shall live in it?"

"I suppose you yourself can't tell," he replied, thinking of what Stapleford had said; "but there is the chance; and if I had sold it to — to anybody else there would have been no chance at all." He added in a somewhat lower voice, "I was very sorry to give up the old place; but it was necessary."

She chanced at this moment to meet his eyes, which were fixed wistfully upon her, and a swift change and softening came into her own. This, however, vanished immediately, and she turned to Gilbert, who was steadfastly contemplating the inside of his hat.

"When are you coming to be introduced to my people?" she asked. "You will find my brother full of political information and courtesy towards political opponents; and it wouldn't at all surprise me if Clementina were to amuse you. Some people are amused by her, I believe. Couldn't you come and dine with us quietly some evening?" She glanced at a list of engagements. "Would next Saturday at half past eight suit you?" she inquired. "I see I have got two dinners down for that day, and as I can't go to both, I may as well go to neither."

Gilbert at once accepted, and she made a note of it. Then, glancing over her shoulder at the elder brother, "You too?" she asked.

"Thank you," answered Brian, with evident embarrassment, "you are very kind; but —"

"I have booked you," she interrupted, shutting up her tablets, "and you can't get out of it. Engagements must be kept, whether we like it or not; otherwise society couldn't hold together for a day. Those two dinner engagements of mine would certainly have been kept, if it hadn't been physically impossible to keep them. And that reminds me that I promised faithfully to go to tea with a cousin of mine who lives at the far end of South Kensington, and I ought to have been there half an hour ago."

The two young men rose simultaneously. Gilbert was the first to leave the room, and as Brian was following, she laid her hand lightly on his arm. "Don't throw me over on Saturday," she whispered. "I have heaps of things to say to you, and how am I to get them said if you only call once a year and time that one visit so very badly?"

Now this speech might be nothing more than a little piece of friendliness intended

to show that Miss Huntley had not forgotten an intimacy which had once seemed to be pleasant to her; nevertheless it sent Brian down-stairs with a heart so full of good-will towards all mankind that the prospect of walking down the street with his brother was rather welcome to him than not. "Let us agree to blot out the past," he was inclined to say, "perhaps I judged you too hardly. Anyhow, the worst is over now; I shall not be in danger of dying of want again, and it was no fault of yours that I nearly starved myself once."

And indeed it was just as well that he was in so generous a mood; for Gilbert's first words were words of reproach and by no means of repentance.

"You know how to nurse a grudge and pay it off in due season, Brian," he remarked. "Do you consider that we are quits now, or have you any idea of coming down to Kingscliff and working for the Conservative candidate against me? I dare say your support would just about enable him to carry the election, and the county generally would be delighted to see me beaten by your influence. I haven't as many friends as I used to have, you will be glad to hear."

This was not quite what Brian had expected; but he returned a soft answer. "I doubt whether I shall ever go back to Kingscliff now," said he, "and I'm sure I wish you success, Gilbert. If you have lost friends, it hasn't been through me; for I have never seen a soul from the neighborhood since I left home, except Monckton."

"The exception counts for something, perhaps; but the mere fact of your leaving home in the way you did was enough to set people's tongues going; especially as they soon found out that you refused to hold any communication with me. As for your wishing me success, that is very kind of you; but you must excuse my saying that I would rather have had the chance of buying the Manor House than any number of empty wishes."

"Well," said Brian, "you heard me tell Miss Huntley just now why I couldn't offer you the Manor House."

"And I heard her answer. My dear fellow, neither she nor anybody else will ever live in that crumbling ruin, and I shouldn't mind laying you short odds that it passes out of her possession before the end of the year. Most likely I shall have to purchase it myself at some ridiculous figure — if that is any satisfaction to you. Well, as I say, you have paid off old

scores. When once a man has got a fixed idea into his head it is no use arguing with him, I know, and I suppose you will always look upon me as a swindler. Yet the fact remains that I have done simply what seemed to me to be right, and I should still be only too glad if you would allow me to hand you over the money which I shouldn't have been too proud to take from you, if our positions had been reversed."

"I don't want money; I have enough," answered Brian a little curtly.

The two brothers had turned out of Park Lane and were walking at a slow pace down Upper Grosvenor Street. Suddenly Brian stood still. "Look here, Gilbert," said he, "I don't think you have done right, so I can't say that I think so. It appears to me that you have gone dead against the poor old governor's wishes throughout — I don't mean only as regards myself, but about that sale of the building-land to Buswell. You must know that he would have done almost anything rather than that. But then, as Monckton says, you may have felt justified in disregarding his wishes; and I suppose many fellows would. Perhaps I am too proud to take money from you; but I'm not too proud to beg your pardon if I've done you an injustice. I don't know whether you quite understand how I feel about it."

"I don't know that I do," answered Gilbert, laughing; "but I know that I shall be very glad to be friends with you again, old man. And you certainly need not trouble yourself to beg my pardon."

He spoke with great cordiality and sincerity, and with no sense of shame whatever. The lie that he had told after his father's death, the treachery to which he had not been able to descend without a good deal of compunction, had faded from his memory, or, at the least, had fallen back into a dim recess thereof, beyond reach of present disturbance. No doubt he had disregarded Sir Brian's wishes, and no doubt also he had been justified in disregarding them. He was pleased with himself and pleased with his brother too. At last, then, this troublesome and rather scandalous quarrel was to come to an end.

And now, with much patience and good-humor, he began to point out how he had had really no choice in the matter of that building-land. "Nobody likes to see his estate diminishing; but if he can't make both ends meet, what is he to do? It's very much your own case. You didn't want to sell; but you found that you must, and so did I. Besides, when all's said

and done, there is such a thing as public spirit. The Kingscliff people would have had a very fair cause of complaint against me if I had gone on playing dog in the manger with them." And a good deal more to the like effect.

But Brian was not much impressed by this kind of reasoning, nor in truth was it quite as easy to him to make friends as it was to Gilbert. In his brother's sincerity he was determined to believe, and perhaps that was why he shrank from listening to explanations. He did not know that in so determining he had set before himself a simple impossibility.

At the corner of Grosvenor Square they parted. "Good-bye," Gilbert said, with a little nod and a wave of his hand. "We shall meet on Saturday, if I don't see you sooner."

#### CHAPTER XXIX.

##### A QUIET DINNER.

OF late when, in the intervals of composition Brian had relieved a weary brain by drifting into dreams of blissful impossibilities, he had pictured to himself some such scene as a crowded theatre, a young *maestro* bowing in response to the plaudits of the audience, and at his elbow a beautiful lady, with clear brown eyes, who seemed to participate in his triumph, and who whispered in his ear a word or two, more precious to him than thunders of cheering or columns of flattering criticism. Or perchance he might fancy himself sitting at the organ of some great cathedral, such as St. Paul's or Westminster Abbey; and perhaps, lingering on one of the benches, after the rest of the congregation had dispersed, the same lady might be discernible, and in her brown eyes the dawning of a not displeased consciousness that that noble instrument was saying to her something which the player did not venture to say by word of mouth. Or again, it might be the old home at Kingscliff that rose up and became distinct from among those shadowy scenes; and the blue sea was dancing and laughing in the sunshine, and the brown sails of the fishing-boats were stealing slowly across the bay, and in the foreground was the Manor House, renovated and surrounded with flower-beds, and dear old Halcombe Head was looming, as of yore, out of a silvery mist. And this same lady with the clear brown eyes, gazing down from the heights, was saying that, after all, there was something better in the world than wealth or rank or ambition, or even

fame, and that, having found that better thing, she asked nothing more of fortune.

But, of course, it required no slight force of imagination to place words of that nature in the mouth of the particular lady in question; and indeed these dreams and fanciful attributions of his own sentiments to one who had never shown the faintest sign of sharing them were but a harmless and rather foolish pastime, at which Brian was ready enough to laugh when he laid down his pipe and went back to work again. He was not even sure that they were his own sentiments. Possibly he was becoming ambitious after a fashion; at any rate he was conscious of a great desire to succeed in the task which he had undertaken. He thought, too, that he would succeed, for he knew that he had never done better work of its kind, and Phipps was lavish of praise and sanguine prophecies. Love may be the best thing that the world has to give; but it is not the only thing, and a man who is worth his salt can very well make shift to do without it if need be. Thus Brian was wont to reason with himself, feeling, as he had felt for a long time past, that his path in life had already diverged too widely from Beatrice Huntley's to admit of any permanent reunion. He forbore to question Phipps with regard to her rumored engagement. The first news of it had given him somewhat of a shock, but when that passed off he saw how ridiculous it was on his part to be startled by an event which was absolutely certain to occur sooner or later. Nor did he know anything at all against Stapleford, who seemed to be a pleasant, unassuming, gentleman-like fellow. Assuredly she might do worse than marry him, and it was scarcely to be supposed that, in London or elsewhere, she could find a man in all respects worthy to be her husband.

This was a very reasonable and sensible view to take, but it did not prevent Brian from feeling a little annoyed when, just as he reached Sir Joseph Huntley's door on the evening for which he had been invited, a very smart brougham dashed up, out of which jumped Lord Stapleford. He had not bargained for that. One may yield a tacit consent to the decrees of *dira necessitas*, but it is another matter to stand by and see them carried into effect.

Stapleford, unconscious of being objectionable in any man's eyes, ran hastily up the steps and clapped Brian on the shoulder. "Dining here, Segrave?" he asked. "That's all right! I can tell you, if you don't know it, that you'll get a first-

rate dinner. Poor old Joe isn't much to look at, and hasn't got much to say for himself, but everybody must acknowledge that both his cook and his cellar are beyond all praise."

Despite this handsome encomium, which in due course was fully justified, Brian was not best pleased with the feast to which he had been bidden, or with those who entertained him at it. Sir Joseph certainly was not much to look at, and if he had anything to say for himself he did not say it to our hero, while Lady Clementina appeared to think that she had done all that was required of her by extending the tips of her fingers to him. The fact was that they knew him only as the man to whom Beatrice had paid an exorbitant price for a house which they hoped that she would never inhabit. But what was much worse than the coolness of their greeting was that Beatrice herself, after she had said "How do you do?" and had introduced him to her relations, turned away immediately and began to talk to somebody else. There were a good many other people in the long room, people whom Brian did not know, and, as he said to himself, with a touch of ill-humor, did not want to know. Gilbert was apparently very much at home among those smartly dressed representatives of modern society; doubtless Gilbert at a dinner-party in Park Lane was quite the right man in the right place. "But I came here on a fool's errand," thought Brian ruefully, "and I ought to have known better, and I wish to heaven I had stayed at home!"

After what seemed to him a very long period of waiting, he was delivered over to a vivacious little woman with a fuzzy head of hair, who had not been seated beside him at the dinner-table for five minutes before she discovered him to be a complete outsider. Society in London, as in other places, great and small, is composed of persons who for the most part dislike outsiders. To make conversation to an outsider demands an effort; you must discover his tastes, his occupations, and something of his history. And why should anybody take all that trouble, when it is so much more amusing to talk to those whose ways and interests are the same as your own? Brian's neighbor troubled neither herself nor him long. Fortunately she was provided with a more congenial companion on her right hand, so that there was no discourtesy in ignoring her, and listening to such snatches as could be caught of the animated dialogue

that was taking place on the other side of the table between Beatrice, Gilbert, and Stapleford. Not that the listener's part was particularly agreeable, or that the odds and ends of speech which reached his ears were of a nature to reward him for his pains. There is a kind of talk which is not without charm when addressed to oneself, but which sounds rather trivial and silly when addressed to others. Brian had never seen Miss Huntley flirt before; he was disappointed to find that she could do so with as much apparent enjoyment as other women, and it did not at all mend matters that she should be flirting with two men at once. He had thought her above that sort of thing. And surely it was a little odd that she should not have even a glance to bestow upon one who was only sitting opposite to her at that moment in compliance with her own urgent request. Upon the whole, Brian could not remember that he had ever in his life enjoyed himself less—even at a dinner-party.

After the ladies had left the room the conversation took a political turn, as a matter of course, for just then everybody was talking politics. A Conservative administration had been formed, in which no place had been found for Sir Joseph Huntley, his exclusion, accorded to general rumor, being due to his conviction of the impossibility of governing Ireland without a renewal of the Crimes Act. Ministers were accused of having entered into a Parnellite alliance, a course of action which was at that time held to be peculiarly heinous by their opponents; and several of those who were assembled round Sir Joseph's dinner-table tried to draw their host upon these points, but they met with no success. He replied phlegmatically that a satisfactory method of governing Ireland had not yet been discovered by either political party; that he did not believe in the existence of any compact between Lord Salisbury and Mr. Parnell; but that he was not in the secrets of the ministry, and consequently could not divulge them. Lord Stapleford, who had earned the reputation of being one of the coolest young men in England, asked him point-blank whether office had been offered to him, and to this question he made no answer at all.

Then there was a great discussion about the probable result of the coming election, the general opinion appearing to be that, under any circumstances, the Radicals must come into power.



"What do you think about it?" inquired Stapleford, turning to Gilbert. "You're a Radical, ain't you?"

"I am a Liberal," replied Gilbert. "The best-informed people say they don't know what to expect, so my opinion isn't worth much. Everything, I should think, will depend upon what may happen in the course of the summer and autumn. If we were to go to the country to-morrow I believe we should increase our majority."

"Upon my soul, I believe you would!" cried Stapleford, getting up. "I believe this country is utterly rotten; I believe the electors don't care a toss whether Russia gets India or not; I believe they wouldn't splutter and bluster for more than a week if O'Donovan Rossa were to be crowned in Dublin. They didn't consider that England was disgraced when Gordon was left to be murdered, or rather they didn't object in the least to England's being disgraced. What's the odds so long as the great Liberal party can be hoisted into power again upon the shoulders of an army of deluded chawbacons? The whole thing is sickening and disgusting, and I'll be hanged if I'm going to waste the summer in struggling against fate. I shall play cricket instead."

"That," remarked Sir Joseph deliberately, "is just the spirit in which a crisis ought not to be faced. If the educated minority lose patience and temper we shall be swept off to ruin by the mob, and by the agitators and theorists who lead the mob; and we shall not be much less to blame than they."

But Stapleford did not wait for the end of the harangue thus initiated. "Come on, Segrave," said he, taking Brian by the arm; "let's go up-stairs and talk to the ladies. If we want to be taught our duties as good citizens we can read the leading articles to-morrow morning." And as they mounted the staircase—that celebrated marble staircase which Sir Joseph's father had brought from Genoa at a prodigious expense—he added, "Sorry to have dragged you away before you got a chance of a cigarette, my dear Segrave; but between you and me, Beatrice told me to bring you to her as soon as I could. She says she wants to talk to you in private."

This was welcome news; but perhaps it would have been more welcome if it had been otherwise conveyed. Brian failed to appreciate the adroitness of the diplomacy which had converted Stapleford into an ambassador; for he did not know how difficult it had lately become to that young

man's cousin to keep him at a distance for ten consecutive minutes. And so, when Miss Huntley had beckoned our hero into a small, dimly lighted room opening out of the drawing-room, and had motioned him to take a chair near her own, her first remark was,—

"You look portentously gloomy, not to say sulky. Has your dinner disagreed with you; or is it only that you dislike the society of your fellow-creatures as much as ever?"

"Well," answered Brian, "you know I told you long ago that I am out of my element in society, and I had no idea that you were going to have a party to-night. You asked me to dine quietly."

"To the best of my belief, you did dine very quietly indeed. At least, if you became noisy, it must have been after I lost sight of you. And this isn't a party; we never dine quite alone during the months of June and July."

"And after dinner I suppose you go to half-a-dozen crushes and balls. Do you really enjoy that kind of life?"

"I enjoy it well enough for a time; if it went on all the year round it would grow wearisome, no doubt, like every other kind of life. A man, I grant you, might be better employed, and, to do you justice, that is what most of you seem to think; but a woman's opportunities of enjoyment, you must remember, are much more limited than yours. Just for a few years—so long as her good looks, if she has any, last—she may play quite an important part in the little corner of the world which she inhabits; but when once she begins to go down the hill, her life is over, and only existence remains. I don't think you ought to blame us for making hay while the sun shines. However, I didn't bring you here to talk to you about myself; I want you to give me a full, true, and particular account of all that you have done and suffered from the date of your leaving Kingscliff up to the present time."

"That would take far too long, and it would be a very dull narrative into the bargain."

"But if I want to hear it?"

"Really it wouldn't interest you."

"You won't tell me the story? Very well, then, I will tell it to you, and you will see that it is neither long nor dull, when concisely stated. In November last you accepted the post of organist at St. Jude's, North Streatham, and held it until after Easter, when you were pressed to resign in consequence of an entangle-

ment with a particularly vulgar and unattractive young woman who used to sing in your choir. Various versions were given of the affair, and hers seems to have been plausible; but you declined to give any version at all, so you had to retire. After that you returned to London, where you remained for a considerable time without employment, and if Mr. Monckton had not found you out and made you listen to reason, it is quite likely that you would have enlisted in the Life Guards, or done something else equally desperate. As it was you reluctantly consented to sell the Manor House to an unworthy person, and since then you have been engaged upon the composition of an opera which will probably be produced in the course of next winter, and will take the town by storm. I believe that is a tolerably accurate account of your proceedings, so far as it goes."

"It is accurate — so far as it goes," assented Brian wonderingly; "but how did you discover all this?"

"I scorn to deceive you. I catechised Mr. Phipps, and when I had found out all that he knew, which wasn't much, what did I do but invite Mr. Potter to lunch with me one day when Clementina was out. And the world is very small, as I dare say you have heard many people remark before now; and if Miss Joy should have an old school friend living at Streatham, and if her friend's name should be Mrs. Peareth, would that be such a very extraordinary coincidence? What does seem to me extraordinary — much more so than my liking to amuse myself for two or three months in the year, for example — is your determination to hold aloof from old friends who, after all, have done nothing to deserve such treatment."

"But — here I am," said Brian, smiling.

"Yes, here you are, because you couldn't very well help yourself; and ever since you entered the house you have been vowing inwardly that you won't enter it again in a hurry."

"Now how can you tell that when you have never so much as looked at me?"

"I can see people without looking at them; and I know, without being told, when certain people are horribly bored and very cross. It is inexcusable to be cross upon such slight provocation. I was at least as much bored as you were during dinner —"

"Then all I can say," interrupted Brian, "is that I never in my life saw boredom more skilfully disguised."

"Thank you; I can accept that compli-

ment with a clear conscience. I only wish I could return it." And then she proceeded to read him a lecture upon the duties which each member of a civilized community owes to his neighbors, and which she declared that he was as much bound to discharge as to pay rates and taxes. It he wished to lead the life of a hermit, he ought to be consistent and seek out a new Thebaid for himself somewhere or other; but in large cities one must give and take, and no one should have the vanity to think that he can be quite independent. Why, even an accomplished musician might find that it was worth while to have a sprinkling of friends and well-wishers in the house, on bringing out a new opera, instead of an assembly of total strangers.

He listened to her good-natured scolding without any displeasure; for indeed this, like her cross-examination of Phipps and Mr. Potter, proved that she still took an interest in him and desired to be his friend. More than that he had already decided that he would never ask or expect of her. Then, when she went on to put a great many questions to him about the new opera, and the probable date of its production, and the singers who were likely to appear in it, and so forth, he was very willing to give her all the information that she asked for. But of herself and her plans, and her cousin Stapleford (whom she had accused by implication of boring her), she did not choose to speak; and perhaps it may have been disinclination to enter upon particulars of that kind that made her open the piano which stood in a corner of the room, and insist upon it that Brian should play over to her a few airs from his forthcoming work.

He protested laughingly that Phipps would never forgive a premature disclosure of what could not become public property for another four months at least; but she replied that she was not the public, and that, besides, Mr. Phipps would not be informed of his indiscretion, so he yielded.

Now to get Brian seated before a piano or an organ was very much the same thing as putting Lord Stapleford on to bowl, or asking Sir Joseph Huntley whether he happened to know anything about the report of the Royal Commission on Industrial Dwellings. After he had strummed some fragments of airs, it was easy enough to lead him on to Schumann, Chopin, and others of his favorite composers, and in a very short time he was blissfully unconscious of all external circumstances, save

and excepting the presence of Beatrice Huntley by his side. Thus it was that he did not notice any accession to his audience until Lady Clementina advanced from the background, where she and several of her guests had been standing for some little time, and began to say all manner of amiable and complimentary things. Lady Clementina did not know very much about music, but she liked to pose as a patroness of genius and she was always eager to get hold of the last social novelty, whether it might be an Indian maharajah, or a celebrated actress, or an adventurous explorer. In the course of the evening some one had informed her that she was entertaining an angel unawares, in the shape of a composer of the greatest promise; otherwise the delicacy of Brian's touch and his masterly rendering of difficult passages might possibly have escaped her. As it was she paid full homage to both.

"Why did you not tell us that you are writing an opera?" she asked naïvely. "I shall make a point of going to see it if I am in London when it is produced." Then she expressed a gracious hope that they might meet again before long, and that he would look in at her ball which was to take place in about a fortnight's time, adding that she would send him a card to refresh his memory.

Brian was amused and in no wise affronted by this rapid growth of cordiality on the part of his hostess. He was conscious, although she was not (for indeed she had paid no attention to him), that he had been absurdly sulky and bearish earlier in the evening, and he was not sorry to have an opportunity of proving to Miss Huntley that he recognized the justice of the admonition which had been addressed to him. Therefore, much as he hated balls, he accepted Lady Clementina's invitation, thereby earning a smile of approval from Beatrice, who, as she wished him good-night, whispered,—

"I am glad to see that you are in a better humor now than an hour ago."

Well, certainly he was in a good humor, and, as he walked away, it seemed to him that the very streets of London had assumed a more kindly and hospitable air. He thought he was pleased because Beatrice Huntley had shown him that she was not fickle in her friendships; but if he had been given to self-analysis he might have discovered that what pleased him was not so much that as her passing hint that she preferred his company to Lord Stapleford's.

## CHAPTER XXX.

## GILBERT ASTONISHES HIMSELF.

If any credit be due to a lady who knows how to content three admirers, or potential admirers, at one time and in one place, Miss Huntley must be admitted to have managed her little dinner-party very well; for not only Brian, but also Gilbert and Stapleford went their respective ways in a contented frame of mind, while each of the two latter flattered himself that he had received some distinctive marks of her favor. As for Gilbert, he thought that he understood woman pretty thoroughly; and as a matter of fact he did perhaps understand them as well as any one can whose orderly habit of mind leads him to classify all subjects, whether human or other, and who, in explaining conduct, is apt to make but a scanty allowance for inconsistency and impulse. He believed Miss Huntley to be a woman who fancied herself ambitious, but was in reality rather combative; a woman who enjoyed power, but enjoyed the pursuit of it still more, and one to whom a position of mere dignified ease offered no attractions at all. The type is not an uncommon one; he had met with several examples of it, and had noted the development of the same in various directions. It seemed to him most unlikely that Beatrice Huntley would ever marry Stapleford, whose station was hardly high enough to tempt her, while his personal qualities were not of a kind to excite her interest or sympathy. It would be a great deal more in keeping with her character to bestow her hand and fortune upon some man who contemplated fighting his way to fame in public life; nor was it at all surprising that he should arrive at this conclusion, since she herself had more than once suggested it to him in words of little ambiguity.

Now Mr. Buswell's advice to him, that he should espouse this beautiful heiress, was doubtless, in the abstract, excellent; and if he thought, as Buswell did, that his chance of securing the prize was by no means a bad one, vanity had little enough to say to that assumption. He was not in love with Beatrice, nor was she, to the best of his belief, in love with him; but, for the reasons above mentioned, he deemed it not improbable that she might accept him as her husband, while he, on his side, had a liking and admiration for her which seemed amply sufficient to meet the requirements of the case. Only then, there was Kitty Greenwood, whom he did love, to whom he had all but declared his

love, and who, alas! had neither the fortune nor the qualities so desirable for the wife of an active politician.

For a long time he had shirked the dilemma towards which he was drifting; but he had to face it at length, and then he had to go through the process of talking himself over — a painful process, which, however, terminated, as it was sure to terminate, in his according himself plenary absolution. In short, it came to this, that he must choose between ambition and love; and he knew — although he did not quite like making the admission — that love is fleeting, whereas ambition remains with us even when we have already one foot in the grave. For Kitty's own sake, it would be better to play her false — supposing that the transfer of his allegiance could be properly so described — than to obtain her consent to a union which would only too probably result in disenchantment and disappointment. Every day, too, that he spent in London strengthened his conviction that rusticity would never suit him. He went a great deal into society; he renewed acquaintance with many old friends; and there was scarcely an evening on which he did not meet Miss Huntley, to whom his attentions unquestionably appeared to be acceptable. It is true that every now and then she would startle him with some sudden, half-ironical remark, as when, one day, she inquired whether he had obtained an unlimited leave of absence from Miss Greenwood, or when, on another occasion, she asked him why he had not taken the precaution of bringing Captain Mitchell up to town with him; but he was able to put an interpretation upon these mild assaults which robbed them of any disquieting element; for of course his attachment to Kitty had been no secret to her, and it was natural enough that she should seek to remind him of it, now that times were changed.

To take an unlimited leave of absence appeared, in truth, to be the best way of freeing himself from bonds of which he could not altogether ignore the existence; and, on thinking the whole situation over, he decided to run down to Kingscliff for the inside of a week, make a few necessary arrangements and escape, if possible, without seeing or being seen by the Greenwoods. That the plan wore a somewhat ignoble aspect was not to be denied; but who, after all, can run away with dignity?

He mentioned to Miss Huntley that he proposed returning home for a day or two; and she said with an amused look, —

"Ah! To bid your friends good-bye, perhaps."

"Well," he answered, "I think I may remain away rather longer than I had intended."

"I see. And it is well to be off with the old love before one is on with the new."

She enjoyed his confusion for a few seconds and then explained: "Beckton is the old love, London is the new; I trust you don't think that I meant to accuse you of any worse kind of faithlessness. You may remember that I always told you you would not be able to stand Beckton for long."

"Did you? If you did, you were quite right. It is my home, of course; but I don't feel as if I could live there from January to December without a break. Beckton is — shall we say — a little narrow?"

"Yes; and you are so broad in your views. No wonder it won't hold you! Come back as soon as you can, then, and don't forget to say all that is civil from me to our friends at Morden."

"I hardly think I shall have time to call upon them," Gilbert answered.

Nevertheless, he was conscious of a powerful and imprudent longing to call upon them. He wanted to meet Kitty just once more upon the old footing; he wanted her — preposterous as such a wish may seem — to retain a kindly recollection of him; and although he felt it would be a gratuitous piece of folly to seek her out, he could not help hoping that chance might bring them together, if only for a few minutes. And so when, on the day after his return, he encountered Admiral Greenwood in the main street of Kingscliff, and when the admiral, with his customary heartiness, said, "Come along with me, my dear boy, and the ladies will give you a cup of tea," he had not the resolution to excuse himself.

"I suppose you didn't happen to see your brother in London, did you?" the old gentleman asked, after Gilbert had climbed into the mail-phæton and taken the seat beside him.

To which Gilbert was glad to be able to reply: "Yes, indeed I did; and I'm sure you will rejoice with me when I tell you that we have agreed to bury our differences. I think Brian quite understands now that it was not possible to set my father's will aside."

"Come!" cried the admiral; "that's good news. I never liked that will, nor pretended to like it; but as for setting it

aside, why, as I've often said to Pollington and others, the thing couldn't be done without dishonesty. And so Brian sees that at last, does he? Poor fellow! it has been hard lines upon him; but I'm bound to say that it hasn't been over and above pleasant for you either; and you've kept your temper very well through it all. I congratulate you most sincerely, my dear fellow."

Praise from that quarter was the more welcome to Gilbert, because he knew very well that Admiral Greenwood had been only half pleased with him hitherto. A chain is no stronger than its weakest link, and that anxiety to be spoken well of by all men which had more than once stood in Gilbert's way through life was likely enough to do so again. He was quite aware of this; but that he was in any danger of being diverted from his present purpose thereby he did not believe; and if he was conscious of an unwonted sensation of nervousness when he reached Morden Court and was led by his host through the house to the lawn, where it appeared that the ladies had ordered the tea to be carried out, that was no more than the most determined of men might have experienced under the circumstances.

At the same time, it gave him a disagreeable sort of shock to see Mitchell, who was clad in cricketing flannels, seated on the grass beside Kitty's chair. He felt like a retiring prime minister encountering his successor; and indeed it is not necessary to be a prime minister in order to feel how lamentable a thing it is to be succeeded by one's inferior. Nor was the admiral's method of announcing him exactly what he would have chosen.

"Here's Gilbert Segrave back," called out that worthy, but tactless individual; "and he brings us good tidings. Brian and he are friends again."

Mrs. Greenwood said she was so glad, and Kitty murmured a few words to the same effect, and Mitchell said nothing at all; after which there was an interval of silence. If he had only had the two ladies to deal with, Gilbert would have known how to turn the occasion to account by delicately hinting that the reconciliation alluded to had been due to his initiative alone; but in the presence of Mitchell he shrank from putting forward any such insinuations, because he was quite sure that that uncompromising naval officer would not believe a word of them. Formerly he had felt nothing but a good-humored sort of contempt for Mitchell, his chaff, his horseplay, and his occasional

downright rudeness; but now he disliked the man and rather dreaded him. The honesty of honest dullards—if they only knew it—is a force more than equal to the knavery of half-and-half knaves.

But it soon became evident that Mitchell would be guilty of no discourtesy to any one that afternoon. He was in an unusually sober and taciturn mood; he spoke only when he was spoken to; he responded very briefly to Kitty's efforts to make him talk about the cricket match which Kingscliff had just won by eight wickets against a neighboring eleven; he drank his tea gloomily while the others chatted, and at length got up, stretched himself, sighed, and said he supposed he must be going.

He was not pressed to linger. On the contrary, Mrs. Greenwood rose with somewhat suspicious alacrity, saying, "Well, then, I will walk as far as the lodge with you; I promised to go and see the gardener's wife, who is bad with lumbago." For although Mrs. Greenwood was the most hospitable of women, she was also the best of mothers, and, for aught she knew, Mr. Segrave might have called with a special purpose in view. Indeed, a visible and unwonted embarrassment of manner on the part of Mr. Segrave made her hope that such was actually the case. The admiral had already strolled away; so that Gilbert and Kitty were left to themselves and could say what they pleased to one another without fear of being overheard or interrupted.

If Gilbert had felt embarrassed before, he ought to have felt doubly so now; but as a matter of fact he did not. Perhaps he was too self-engrossed to realize more than one side of the situation; at all events, he drew a long breath of relief and exclaimed,—

"Thank goodness! we have got rid of that everlasting bore."

"Don't call him names," pleaded Kitty, with a ring of remorse in her voice; "you don't know how good he is!"

"Perhaps I don't," Gilbert confessed. "If you come to that, I'm pretty sure that I don't. He doesn't seem to me to be good for much, except to get in the way; but possibly I may be prejudiced, because he has so very often got in my way."

To this Kitty made no rejoinder; and a long pause ensued. It was a still, warm afternoon; what little breeze there was came fitfully from the westward, scarcely ruffling the surface of the bay, although a long swell, rolling lazily in from the Atlantic, fringed the curve of the shore with



silver. The roses, which were the pride of Mrs. Greenwood's heart, were in full bloom; butterflies were hovering over the geraniums and heliotropes and calceolarias, which stretched in brilliant bands of color to the boundary of the garden, and there was a sleepy hum of insects in the air. The most practical of men will grow dreamy at times; and Gilbert, succumbing to the influence of all these well-known sights and sounds, which recalled memories of former summers to his mind, began to dream. What, after all, he asked himself, constitutes happiness? He had been very happy in bygone days, sitting, as he was sitting now, with Kitty beside him, and looking forward to a career which differed but little in essentials from that which he still contemplated. He had been going to fight his way to fame and fortune at the bar; he had always intended to make the bar a stepping-stone to Parliament; and ever, as the prize and crown of all his efforts, he had set before himself the winning of Kitty Greenwood as his bride. Why had his point of view changed? Why had political life assumed the first place in his affections, now that it had been brought so much more nearly within his grasp? Was it even certain that it really had assumed that place? That the pursuit of happiness is the one and only aim of mankind was an axiom which Gilbert considered to have been proved to demonstration. Some persons like to see their speeches in the newspapers; others like cultivating roses; others again derive pleasure from devoting themselves to what are called good works—nursing the sick, relieving the poor, visiting the fatherless and the widows in their affliction, and so forth. In nine cases out of ten the result is inappreciable, and in all the motive is the same. Gilbert's theory was that people not only will not but cannot do what they dislike. And if happiness—which is probably unattainable by any means—should be more nearly approached by marrying your own love than by writing M.P. after your name, or even Right Honorable before it—But these were only vague speculations, in which it was the more pleasant to indulge because they were a little bit dangerous. He felt like a man who has allowed himself to be drawn into temptation, not meaning to yield to it, yet not absolutely certain that he will be able to resist it, and to whom that element of peril is in some sort a substitute for the forbidden fruit. He fancied himself telling Kitty that he loved her, that he always had and always

would love her, and he wondered what her answer would be. That is, he wondered what the terms of it would be; for he had not much doubt as to the substance. Then, all of a sudden, there flashed before him the other and the less agreeable side of the picture. He was convinced that, when once his desertion of her had become manifest, she would marry Mitchell. She was not strong-minded; she would give way to pressure; she would end by becoming very well satisfied with her good-natured, stupid husband and her children and her daily household duties.

"Oh, hang it all!" groaned Gilbert aloud.

His companion stared at him in surprise. She had been speaking for some minutes past, saying how rejoiced she was to think that Brian had at last come round to a better frame of mind, and hoping that perhaps he would now return to Kingscliff and see his old friends, even if it should not suit him to remain permanently among them. "Don't you wish him to come back?" she asked innocently, in response to the above ejaculation.

"Eh? Oh, yes; of course, I shall be awfully glad if he will. I—I beg your pardon; I was thinking of something else," answered Gilbert. And then, abruptly, "Talking of Mitchell—what has he been doing to make you proclaim his goodness so emphatically? You used to think him rather a bore, if I am not mistaken."

Kitty flushed a little. "I know I did," she answered, in penitent accents; "but it was horrid of me, and very ungrateful too. He has always been so very kind to me, and I remember that when I was a child I used to look upon him as quite a hero. He would be a hero, I am sure, if there were any fighting to be done."

"Oh, I have no doubt that he can fight as well as another," said Gilbert in a dissatisfied tone; "but a first-rate fighter—even a prize-fighter—may be a bore. Or do you think that that is impossible?"

He spoke so sharply that Kitty's cheeks became still more rosy as she replied, "I don't know—yes; of course, it is possible. But Captain Mitchell is not a bore; and I am very sorry that I ever called him anything of the kind."

This was more than Gilbert could endure. "You are trying to deceive yourself!" he exclaimed; "you won't succeed. Or, if you do, you will repent when it is too late, and when you have bound yourself for life to a man whom you can't love. It isn't enough that he should love you—I quite believe that he does; but what

difference does that make? You can't marry all the men who love you. And I don't believe that Mitchell has it in him to love you a tenth part as much as I do!"

The words were out of his mouth before he could arrest them; for the very first time in his life, he was swept away by sheer passionate impulse. And, instead of cursing himself for a fool, he rejoiced and exulted in his folly. It may be said without exaggeration that during the next half-hour he was a perfectly happy man. It is true that his reason had told him long ago that Kitty loved him; but to receive that assurance from her own lips was somehow an altogether different and far more delightful thing. What if all his fine schemes had been brought to nought! What if Buswell and the crew of Kings-cliff land-grabbers should refuse to vote for him, since he could not approach them with the title-deeds of the Manor House in his hand! The world was well lost.

Most of us, unhappily, know how agreeable it is to cease struggling against the temptation to do wrong, but to give way to an overpowering craving to do right is a rarer and, doubtless, more refined form of gratification. Gilbert, appreciating this to the full, did not mar it by any reference to the magnitude of the sacrifice that he was making. He was greatly pleased with himself, and with all the world; he even found that he had a little pity at the service of his impotent rival when Kitty told him, as a profound secret, that poor Mitchell had proposed to her a few days before, and that she had been compelled to reject him for reasons which she stated at full length, but which it is needless to reproduce here. And after a time the old people returned; and the great news was communicated to them; and, Gilbert having been persuaded to remain to dinner, the admiral produced a bottle of his famous old Madeira.

Thus it came to pass that Mr. Segrave did not go back to London to finish the season, but stayed at home in peace and contentment, which nothing occurred to disturb. For at this time Mr. Buswell was away, and there was a political lull, and the weather, for once, was all that could be desired by a pair of happy lovers.

#### CHAPTER XXXI.

##### MISS JOY IS ORACULAR.

UPON taking a calm review of circumstances, Brain came to the conclusion that it would be a foolish and unnecessary

thing to shun Beatrice Huntley's society. He now felt more sure of himself. He was not going to be guilty a second time of the *gaucherie* of showing temper, because, forsooth, she did not choose to bestow her attention exclusively upon him; he was determined to accept frankly the friendship which was all that she had to offer him and more than he had any right to claim; and if he should be called upon, from time to time, to bear a sharp pang or two he would know how to conceal these. To see her, to hear her voice, sometimes perhaps to exchange a few words with her, would be ample compensation for such inevitable trials of his fortitude.

Nothing could have been more sensible than these resolutions, but what they may have been worth it is impossible to say, for the simple reason that Brian found no opportunity of putting them into practice. He called in Park Lane, thinking that he ought to do so after eating Sir Joseph's salt; but nobody was at home; and although his brother, who one evening did him the honor to dine with him at his club, informed him that Miss Huntley "went everywhere," this knowledge was of little avail to a man who happened to go nowhere. Gilbert, as we know, was more fortunate, and Brian learnt from him that Beatrice's engagement to Lord Stapleford was generally spoken of as a probable event.

"But it isn't announced yet, is it?" Brian asked.

"Oh, no!" answered Gilbert, smiling; "it isn't announced yet."

He had the air of knowing more than he chose to say; but Brian did not interrogate him further. It struck him that there was a suspicion of mockery in his brother's smile, and he had no desire to listen to a repetition of the warnings which had been addressed to him from that quarter on a bygone occasion. After all, Beatrice's destiny was beyond his control or influence; he would be told of it, no doubt, when she had made up her mind what it was to be—he did not think that her mind was made up yet—and meanwhile he had his work to occupy and console him. A day or two before that appointed for Lady Clementina's ball he received a post-card, on the back of which was written, in Miss Huntley's large, flowing hand, "Don't forget the 16th. — B. H." To be sure, there was not much danger of his overlooking the one and only invitation that lay upon his writing-table; but the reminder was very welcome to him as evidence that the fact of his having been invited was re-

membered by one whose own engagements were so numerous.

On the evening of the day above mentioned he dressed himself with unusual care and paid particular attention to his white tie. He was quite ready by ten o'clock, but, despite his inclinations, remained steadfast and immovable for another two hours; because he had been given to understand that London ball-rooms seldom begin to fill until near midnight. Consequently, when he reached Park Lane he found the hall and staircase crowded with dense masses of humanity, and had no small difficulty in wriggling his way up to the landing, where his hostess stood, magnificent in diamonds and old lace. Lady Clementina's balls were always crowded, because they were always admirably done. The age in which we live is reproached, justly or unjustly, with being one in which wealth is all-powerful; nor can it be denied that to give a successful ball in these days costs a great deal more than it did a quarter of a century ago. Lady Clementina's command of ready money was practically unbounded; so that she had little trouble in outshining the financiers', bankers', and brewers' wives who were her most formidable competitors and in assembling all London under her roof whenever she was so minded. Unfortunately for her, she did not greatly covet distinction of that particular kind, but it had come to be expected of her that she should hold two or three such functions in the course of the season, and as Sir Joseph, who detested but acquiesced in them, was wont to remark, they were good for trade, if they had no other merit.

Brian, in due course of time, was swept up-stairs and shook hands with her, and she looked as if she had not the ghost of an idea who he was. Then he penetrated into the ball-room, where the banks of flowers, the huge blocks of clear ice, and the little fountains which were splashing in every recess might have excited his admiration if he had had any eyes for these adjuncts. But he was there to see, and, if possible, to speak to, Beatrice Huntley, not to draw comparisons between Lady Clementina's entertainment and Mrs. Guldenmark's, or Lady Porter's; and his stature enabling him to look over the heads of the throng, he presently made out the object of his search, standing not many yards away from him, and surrounded by a phalanx of black coats, of which Stapleford's was one.

The moment that she caught sight of

him she beckoned him to approach, and when, by dint of a little unceremonious shoving, he had managed to obey her signal, she bent her head towards him and whispered hurriedly, "Don't go away yet."

"I have only just come," Brian answered.

"So much the better. Can you stand this for another hour and a half, do you think? If you can, you might look about for me then. I am not going to dance to-night; but I can see that there will be no peace or freedom for me before two o'clock. Will you wait?"

"Of course I will," said Brian; and thereupon she gave him a nod by way of dismissal.

He executed a movement of retreat towards the wall, and stationed himself in a sort of backwater out of the eddying human stream, well content to bide his time. If Beatrice had told him to wait five hours, instead of only one and a half, he would have done her bidding with perfect cheerfulness. But, indeed, this ball did not seem to him to be nearly as dull an affair as those of which he had had previous cognizance. At Kingscliff, where everybody knew him, and where non-dancers were looked upon as social defaulters, he had always felt that he would rather submit to any imaginable form of penance than look on, all the night through, at a number of people bobbing round and round a hot room, with the chance of being himself compelled, at any moment, to go bobbing round also. Here it was quite different. No one noticed him, nor did he recognize a single acquaintance, except Sir Hector Buckle, looking very smart and spruce, who passed once through the rooms and vanished; and it was amusing enough, for once in a way, to catch a glimpse of the so-called great world. Some of the persons who passed close to him were really great. There were Cabinet ministers among them, and foreign ambassadors, covered with orders, and Brian distinctly heard one of the latter say to a lady, "*Madame, je vous préviens que la Russie ne peut plus reculer et que la guerre est inévitable.*" This was most interesting; but the other scraps of conversation which reached his ears were scarcely of equal importance. He gathered from them that all these people had either come from Mrs. A.'s or were going on to Lady B.'s, and their chief anxiety appeared to be to find out whether those whom they met were engaged upon the same exciting pro-

gramme. Also, he noticed, that a large majority of these pleasure-seekers were past middle age, and he wondered what could be the inducement that kept them out of bed at a time of life when they ought to have been thinking seriously about economizing their vital forces. The old women, of course, might have marriageable daughters; but the old men would surely have been happier at home. And where were all the young men?

But these notes and queries were put a stop to when a lady of noble proportions, who had been carried through the doorway on the top of the flood, extricated herself with a vigorous plunge, and landed breathlessly by Brian's side.

"Well, Mr. Segrave," said she, "I did think that you would remember me; but I suppose I am not the sort of person whom any one would expect to meet in a grand London ballroom."

"I am very glad to meet you, at all events," answered Brian; and indeed it was a real pleasure to him to recognize Miss Joy, beaming all over with good-humor, as of yore, and wearing the self-same ruby velvet gown with the tail of which she had once swept Gilbert's chair from under him. "I am like the Doge of Venice at Versailles," he added; "astonishment at finding myself where I am exhausts my capacity for wonder. But it isn't very wonderful that you should be in the same house as Miss Huntley, is it?"

"It is rather wonderful that I should be in *this* house," Miss Joy replied. "I am supposed to be on furlough just now, and of course my name doesn't appear in Lady Clementina's visiting-list; but Beatrice insisted upon it that I should come to-night, because she knows how much I enjoy spectacles of this kind. So I put my pride in my pocket and came."

"We seem to be in the same boat," observed Brian, "and we can enjoy the spectacle together. I would ask you to do me the honor of dancing with me, only —"

"You would meet with a polite, but decisive refusal if you did," interrupted Miss Joy, laughing. "Do you think that I have no shame, and that I am incapable of distinguishing between Kingscliff and Park Lane? But I'll tell you what you might do for me, if you were inclined to be good-natured — you might take me down-stairs and give me something to eat."

Of course he was quite ready to do that, and by the exertion of some physical force he succeeded in piloting his companion down to the supper room, where, as need hardly be said, everything that art

and luxury could achieve in the culinary line was at her disposal. However, he soon discovered that Miss Joy's request had not been prompted by any greedy appetite, for she would take nothing but a morsel of aspic and half a glass of champagne, and as soon as she had finished this frugal refreshment she drew him aside into one of the smaller rooms, which for the moment was untenanted, saying, "Now we shall be able to talk comfortably."

And when she had settled herself down upon a sofa, it was an odd and rather disappointing thing to find that she wanted to talk about his brother, not, as usual, about the manifold perfections of her beloved patroness. Where was Gilbert? she asked. Did he propose to remain in London long? And why was he not at the ball? "I know he is in town, because Beatrice told me that she had met him several times; and perhaps he may be in the house now, though I don't think he can be, for I had a good look all round the rooms before I fell in with you."

"I believe he is in town," answered Brian, who had not been informed of his brother's return to Beckton; "but I can't tell you much about his movements. I dare say Miss Huntley sees more of him than I do."

Miss Joy gave a dissatisfied grunt. "But I should have thought that, with this general election coming on in the autumn, it would be important for him to be upon the spot," she persisted. "Isn't he going home again soon?"

"Really I don't know," replied Brian wonderingly. "Why do you ask?"

"Oh, I am naturally inquisitive; when I know something about people I always want to know more. Perhaps I know more than you suppose about the way in which you have been going on since we last met."

"I am aware that Mrs. Peareth is a friend of yours," said Brian.

"Oh, Beatrice told you that? Did she tell you that she made me take her out to Streatham and call upon the Peareths with her, so that she might learn the truth about your rupture with them? I think that was a very pretty compliment to pay you. And, as luck would have it, who should come in while we were sitting there but that absurd little Mrs. Dubbin herself. You must indeed have been hard up for amusement before you took to flirting with *her*!"

"But I never did anything of the sort," cried Brian indignantly. "I do hope that

Miss Huntley—and you know better than to believe it of me!”

“I can believe anything of young men,” answered Miss Joy sententiously. “From what I have seen of them—and I have seen a good deal, first and last—I should say that there are no bounds to the folly that they are capable of, if encouraged by forward and vulgar girls. Mrs. Peareth took your part, however, I must confess, and said you had been very badly treated. As for Beatrice, she would never admit that you could do wrong. I don’t know whether you have found out what a high opinion she has of you.”

“Is that meant sarcastically?” inquired Brian.

“Oh no; she took a liking to you from the first; and when she takes likings of that description they are always strong ones.” Miss Joy paused for a moment and sighed. “I have often wished of late,” she continued meditatively, “that you were a lord, or a distinguished personage of some sort; because, if you were, you might fall in love with dear Beatrice and marry her. I shouldn’t have any fears for her future then.”

“Thank you,” said Brian, laughing; “your remarks have at least the merit of candor. But I didn’t know that lords and other distinguished personages were more susceptible than the rest of mankind.”

“I am sure you understand what I mean; it is Beatrice who is not susceptible, poor dear! No man has ever yet succeeded in touching her heart; in spite of which, situated as she is, it is almost inevitable that she should marry before long. I suppose you have heard rumors about her and Lord Stapleford. Well, do you know, I quite hope she will take him. He isn’t brilliant; but he is honest and good-tempered, and what is better still, I think he really loves her. As his wife, she could take a leading position in society, and make interests of many kinds for herself. You see, the danger is that—putting love out of the question in the way that she does—she might be attracted by talent and plausibility. An unscrupulous man, who wanted her money for his own selfish ends, might get her to take an interest in his career, especially if it were a political career; and then——”

“Are you thinking of any person in particular?” inquired Brian.

“There are always plenty of such persons about,” answered Miss Joy evasively. “And she hasn’t accepted Lord Stapleford yet.”

“Perhaps he hasn’t asked her yet.”

“Oh, she hasn’t allowed him to ask her. It is easy enough to keep a man from proposing to you; I could do that myself, though I have no pretension to be as adroit as she is. You needn’t laugh. No great ingenuity is required to protect me from troublesome suitors nowadays, I know; but I really was not so bad-looking once upon a time; and just at that moment I was thinking of a very eligible young man whom I once held at arm’s length until he went off in a huff and never came back again—which I was rather sorry for afterwards. But, as I was saying, Beatrice won’t let Lord Stapleford come to the point; which shows that she is hesitating. It is arranged, I believe, that he is to meet us at Homburg next month; and then I trust she will give him his answer. It will be a very great pity if she dismisses a man who has so many good qualities and no defects, unless it be a defect to be rather commonplace.”

Brian really could not concur. If Miss Huntley had not yet met any one for whom she could care as a wife ought to care for her husband, surely it would be better that she should remain unmarried until she did. What was there in her situation which rendered an immediate marriage so desirable? He had many arguments of undoubted weight to urge in support of his views and against Miss Joy’s, and he was bringing them forward, one by one, when, to his horror he heard the clock on the mantelpiece strike three. “Good Heavens!” he exclaimed, “I had no idea that it was so late. I—I must take you up-stairs again, if you don’t mind; I have an engagement——”

“Off you go then!” returned Miss Joy, laughing at his dismayed face. “You can leave me here; I am big enough to take care of myself.”

Perhaps it was not very polite; but he took her at her word. It would be too heartbreaking to have lost what might very likely be his last chance of an interview with Beatrice before she left London. He ran quickly up the staircase, which was almost deserted now, and entered the ballroom, where the crowd, though less than it had been in the earlier part of the evening, was still large. Seeing at a glance that Beatrice was neither among the dancers nor the spectators, he pursued his search through the adjoining room and discovered her at length, sitting quite alone beside an open window, in what appeared to be the library.

“I am so very sorry!” he began breathlessly. “I was talking to Miss Joy, and



I didn't notice how the time was slipping away."

"I thought you had gone home to bed like a sensible man," she answered. "I am glad you found Miss Joy so fascinating, for I wasn't set at liberty as soon as I expected. Stapleford has only just left."

She seemed to be a little tired and out of spirits. Could it be that Stapleford had already demanded and obtained a definite reply? Brian scrutinized her anxiously, and she may have divined his thoughts, for she smiled and said, —

"I have been upon the social treadmill for rather too many hours at a stretch, that is all. I wanted to have a long chat with you about things in general; but now I feel too stupid to talk to anybody. Happily, the end of all this monotonous revelry is not very far off; I don't think I could stand much more of it. Next week we go to Goodwood; then to Cowes, and then — oh, how glorious! — I shall be my own mistress once more, and Miss Joy will take me away to Homburg to recruit my jaded system."

"I am not going to Homburg though," Brian could not help saying ruefully, "and I suppose I shall have no further opportunities of meeting you among the monotonous revellers of whom you have become so weary."

"Well, but that is just what I was thinking about," she rejoined, straightening herself in her chair and speaking with more animation. "Why shouldn't you come to Homburg? You can't stay in London all the summer; you won't care to go to Kingscliff; and if you haven't done with the labors of composition yet, why, pianos can be hired at Homburg as well as anywhere else, and there are certain spare hours in the middle of the day during which most people go to sleep, because they have nothing else to do. I would undertake to amuse you or find amusement for you in the mornings and evenings."

The suggestion was certainly a tempting one. Brian had not given a thought to the coming summer; but now he reflected that he was very well able to afford himself a holiday, and how could he spend it better than by betaking himself to a place where he might count upon seeing Beatrice every day? He fancied, too, that there was something more in her eagerness than a mere desire to be kind, or even to secure for herself a certain variety of companionship. It was no very far-fetched or extravagant conjecture that, at

a time of crisis in her life, she might wish to have near her a friend upon whose sympathy or even advice she could rely. For of course there are situations in which simple honesty and devotion are of more value than the worldly wisdom of a multitude of counsellors.

"Would you really like me to come?" he asked, after a pause.

"Odd as it may appear," she answered, laughing, "I really should." Perhaps it was a somewhat tardy movement of compunction that made her add: "I always try to collect as large a circle as I can in places of that kind. Stapleford has promised to join us, and I dare say there will be others. I don't think you will find it dull."

He understood her meaning; but indeed the caution was not needed. If in the recesses of his heart there had still lurked the shadow of a lingering hope, this had been dispelled as much by her outspoken friendliness as by Miss Joy's assurance of the good opinion that she entertained of him. Well; he was thankful to have it so, since nothing more was attainable. His influence over her, if he possessed any, would at all events never be exerted save for what should seem to him to be her happiness, while his own would assuredly be increased by proximity to her. That, if it did nothing else for him, would relieve him from the torture of suspense and enable him to see for himself whither her destiny was leading her.

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#### SALVATION BY TORTURE AT KAIRWAN.

It is a far cry from Paris to Kairwan, and the wildest fancy would scarcely imagine any link between General Boulanger, the idol of the Gallic mob, and the frantic rites of the north-African Aïssaouia. And yet the three names, with the varied ideas they suggest, are inalienably associated in my mind — the holy city, the second Mecca, the Delphi of Africa; the smart and calculating soldier, whose career of clever self-advertisement will yet be crowned with the success which the skilful application of such arts in the nineteenth century seldom fails to command; and the fanatical brotherhood who keep green the memory of Mahomet Ibn Aïssa, by self-inflicted tortures and Corybantian orgies. How they came to be so connected, under what circumstances

I visited Kairwan, in what brief and peculiar relationship I stood to General Boulanger, and what I saw in the mosque of Aïssa, I shall now proceed to relate.

In the spring of 1885 I found myself in Tunis. At no time in recent history a very interesting place, it has, since the French usurpation of 1881, lost what little characteristic individuality it then possessed. The bey is a harmless puppet. His palace, which visitors flock to see, is very much like gilt gingerbread, with a good deal of the gilding rubbed off. The bazaars are inferior to those of Constantinople, Damascus, and Cairo; and the town, once so famous for its unblemished Orientalism, has blossomed into the tawdry splendor of boulevards, cafés and four-storied hotels. I knew, however, from the map, that Kairwan was situated only about one hundred miles to the south; and Kairwan was a place that had always exercised over my mind a sort of mystic fascination. There was something very dramatic and inspiring in the story of this wonderful city, the capital of a great conqueror twelve centuries ago, the metropolis of a mighty empire, the shrine of an imposing religion, and the refuge of both religion and empire when Europe had driven them forth. Even in its long decline Kairwan had been the rallying-point and haunt of pilgrimage, the last resting-place to the dead, for the thousand tribes that profess the faith of the Prophet from the Pillars of Hercules to the Nile. For twelve hundred years inviolate — its sanctuaries undefiled by foot of Christian or of Jew — at length the brave old city had yielded up its secrets to the wanton lust for martial aggrandisement of a brand-new European republic; and the great Mosque of Okbar, and the tomb-chamber of Sidi Sahab, the companion of the Prophet, had been desecrated by the vulgar feet of the Zouaves of France. And yet, even in her desolation, ravished and forlorn, she still retained the imperishable halo of sanctity with which centuries had adorned her brow. Though the enemy was within her gates, she was his superior by reason of a majesty which none could gainsay. Kairwan still appealed to the imagination with resistless persuasiveness of accent; and to Kairwan accordingly I determined that I would go as speedily as possible, leaving Tunis behind me.

There are two ways of making the journey from Tunis — the one running inland by Zaghouan, a tedious and inhospitable route, a hundred miles long, and occupying two days; the other by sea to Susa,

and thence across the desert to Kairwan, a distance of thirty-six miles. A guide proffered me his services for the former trip at a cost, in addition to all expenses paid, of a hundred francs; but as my estimate of his probable services did not coincide with his own, we failed to come to terms, and I decided upon taking the more circuitous route by Susa alone. Twelve hours in a French steamboat brought me at dawn on a brilliant morning to Susa, which lay in its glittering garb of whitewash — houses, walls, and roofs all drenched and crusted with the same unmitigated and blinding hue — looking like some great sea-mew preening its snowy plumage on the shore. With the assistance of a courteous Maltese gentleman, who was trading in the place, I engaged a carriage and four (saddle-horses were unknown) for the journey to Kairwan. It was not, I may remark, an equipage which would have provoked envy, though it would undeniably have excited wonder, in Hyde Park. However it did very well for the purpose; the animals covered the thirty-six miles in the respectable time of six hours; and the somewhat barbaric and inelegant structure of the vehicle was, I found, only too successfully adapted to resist the excruciating inequalities of the road.

I was informed at Susa that the French, who were in military occupation both of Susa and Kairwan, had constructed a little railroad of narrow gauge between the two places, on which ran cars pulled by horses. At another time it might have been possible to obtain permission to travel by this easy route; but I found all Susa astir with the annual visit of the French commander-in-chief in Africa, a certain General Boulanger, who was going up to Kairwan on the same afternoon. I judged it better, therefore, not to intrude, but to content myself with the more modest native resources which I have described.

The road on leaving Susa climbed to the summit of the hill, which is crowned by the *kashah* or citadel, and then struck westwards over the almost level expanse. I have called it a "road," but it is only by an abuse of terms that it can be so designated, for it is merely a broad track which straggles at random across the desert, plunging gaily over dried-up ditches and watercourses, beaten hard by the hoofs of camels and horses, and worn into agonizing ruts by the wheels of wagons. It traverses first a belt of olive orchards — many of the trunks as wizened and gnarled

as the veterans of Gethsemane or the Academe — next a district growing barley and esparto grass, past the great marsh of Sidi el Hani, and the tomb of the saint whose name it bears, and finally loses itself in the arid and herbless desert which is the threshold of the mighty Sahara.

For miles before reaching my destination I had seen outlined against the purple of the remote hills a white streak, from the end of which sprang up a lofty tower. In the intense and palpitating heat this line appeared to quiver above the ground, and from time to time lost all semblance of reality. But as we drew nearer it gained form and distinctness, and was soon discernible as the whitewashed and battlemented wall of a purely Oriental city. Above its crenelated summit gleamed a hundred minarets and cupolas and domes. The tall tower was the minaret of the Mosque of Okbar. We had reached the *ḥamās* *ḥis* to the devout Mussulman of Africa.

As I approached the city walls I could see that something unusual was occurring. The mounds outside, which mark the ruins of vanished suburbs, were crowded with picturesque groups of natives, while in the plain below were gathered several hundred turbaned cavaliers in gorgeous accoutrements and with streaming robes of white; some of them motionless and in serried formation; others dashing furiously to and fro, brandishing their weapons, and with the sharp points of their cruel shovel-stirrups making the beasts they bestrode execute wild curvets. I was informed that they were the sheikhs and warriors of the various Bedouin tribes, who were now in nominal subjection to the French, and who had been summoned from far and near to do honor to the general. On the walls of the town, daubed in huge characters upon the staring plaster, I read the words — last insult to the defenceless old fortress — **BOULEVARD BOULANGER**. The general was evidently the hero of the hour. A little later he himself arrived, with a glittering staff, mounted a fine horse at a short distance from the terminus of the railway, and presently reviewed the native cavalry, whom he addressed in a highly laudatory speech, the pith of which was that they were the finest soldiers in the world, next to the French — a remark which, when transmitted to their understanding through an interpreter, was received with the liveliest marks of satisfaction. A display of equestrian skill on the part of the horsemen followed, and for long the space out-

side the walls was a bewildering scene of dust and galloping horses and shouting men. When night fell there succeeded the absolute calm that reigns in an Oriental city after sunset.

I shall not give any description of Kairwan, having other matter to write about, and because any one who desires to become acquainted with its features — and they are manifold and peculiar — can safely be referred to the excellent works of Mr. E. Rae\* and Mr. A. Broadley,† the former of whom visited the town, and made careful plans and drawings, when it was an act of some courage to do so, in 1876; while the latter was correspondent to the *Times* at the time of the French occupation in 1881, and went up to Kairwan with the invading column of General Etienne. His account of the city and its contents, architectural and otherwise, is as painstaking and perfect, as well as picturesque, as could well be desired.

During the few days of my stay I saw the principal mosques and objects of interest. In order to effect this purpose it was necessary to be provided with a special permit from the French commander. Prior to 1881 no Christian had ever penetrated into the interior of a Kairwanese mosque. The rare travellers who reached the town were either hastily conducted through the streets and bidden to depart, like Sir Grenville Temple in 1830, and Lord Waterford, who ten years later narrowly escaped being stoned, or were only tolerated within the walls so long as they made no attempt to intrude upon the sacred precincts. This was the case with Sir W. Gregory in 1858, M. Victor Guérin in 1861, Mr. Rae in 1876, and Lord and Lady Bective in 1881. When, however, the city capitulated without resistance to the French in October, 1881, and was occupied by their troops, many persons profited by the early license of victory to visit the hitherto inviolate shrines. Since then the permission has been wisely curtailed by the French, with whose capacity for assimilation with the natives I was throughout my visit most agreeably impressed, affording as it did such a contrast to the contemptuous inflexibility of the British soldier under similar conditions. And my hosts, certain Maltese who supplied the French army with forage and exported halfa to England, informed me

\* The Country of the Moors, by Edward Rae. London, 1877.

† Tunis, Past and Present, 2 vols., by A. M. Broadley. Edinburgh, 1882.

that leave was now by no means easy to obtain. As they were very much afraid of losing their own contract and dared not approach the general on my behalf, representing him as an austere man given to count his talents, I called myself and was civilly presented with the requisite order. Armed with this talismanic document I visited the great Mosque of Okbar and passed through the carved doors into the vast and darkened *liwan*, or prayer-chamber, with its two hundred interior columns and its forest of diverging aisles — a faint adumbration of the greater glories of Cordova — and stood in the *mikrab*, or prayer-niche, the holy of holies, where the *kibla* points the worshipper's eye and guides his thoughts to the still more sacred East. I climbed the triple tower whence every morning and evening is waved the blood-red flag that calls the faithful to prayer, and from which is seen stretched out below the panorama of the seven-sided city with its countless cupolas and towers, its intricate alleys and terraced walls, to where beyond the gates extend the scattered suburbs and the decaying cemeteries of the dead. I saw the hallowed well of Ke-fayat, or Plenty, the waters of which communicate by subterranean channels with those of Zem-Zem at Mecca, as is conclusively proved by the fact that the drinking-cup of a pious pilgrim dropped into the Meccan font reappeared floating on the surface at Kairwan.

I saw too the mosque of the most recent *marabout*, or saint — the word is in nine cases out of ten an Oriental synonym for impostor — Sidi Emir Abadah, who flourished only thirty years ago, and who had such an influence over the then reigning bey that he persuaded him to defray the cost of the seven-domed mosque that was to contain his remains after death, and who was held in such veneration by the natives that four huge modern anchors, which repose in a courtyard outside, and which he transported with infinite difficulty across the desert from the seacoast near Tunis, are still believed by them, in deference to the holy man's explanation, to be those which moored the ark of Noah, after its long wanderings, to the soil of Ararat.

Lastly, I came to the particularly sacred shrine of Sidi Sahab, or Sidi el' Owaib, my Lord the Companion, a disciple of Mahomet himself, who, dying at Kairwan in the seventh century, and leaving instructions that he should be interred with three hairs from his master's beard, which he always carried in a pouch upon his

breast, has been appropriately transformed by local tradition into the barber of the Prophet. This mosque, which is, if possible, of even greater sanctity than that of Okbar, I had some difficulty in entering. The custodian, an acid and sulky Moslem, was strenuous in protest and fertile in excuse. The terms of my order stated that I was to be admitted to all or any of the mosques of Kairwan. This, he declared, was not a mosque but a *zaonia*, or college; such an institution being, indeed, attached to the premises. When I scornfully overruled his objection, he was swift as lightning with another. The words of the order referred, he said, to mosques *in* Kairwan; this was outside the walls. I was obliged to put it very plainly to the cunning zealot whether he would prefer to admit me, with the prospect of a back-sheesh, or compel me to return at once and report his insubordination to the commander. Whether it was the bribe or the menace that prevailed I do not know; anyhow, I gained my object, and was conducted through courts embellished with marble pillars and sparkling Saracenic tiles to the recess where stands the sacred sepulchre, fenced round with a grating of bronze, and covered with a pall of black velvet, embroidered with Arabic inscriptions in silver, while above depend thirteen silken banners, offerings of devotion from successive beys.

And now I come to that which was the main incident of my stay in Kairwan. One of the peculiar features of the place is the number of *zaonias*, or colleges of religious orders, which there exist. Of these fraternities, which have each a separate discipline and ritual, and number many thousand members, with corresponding branches in all parts of the Mussulman world, the most famous are those of the Zadria, Tijania, and Aissaouia; and of these three by far the most remarkable is the last. This sect of dervishes was founded by one Mahomet Ibn Aissa, a celebrated *marabout* of Mequinez, in Morocco; and his disciples, who are scattered through all the principal coast towns of north Africa, but are especially congregated at Mequinez and Kairwan, perpetuate his teaching, and open to themselves the gates of heaven by self-mutilation when in a state of religious ecstasy or trance. Visitors at Bona, Constantine, and Algiers have sometimes, on payment of a sufficient back-sheesh, witnessed an emasculated version of these rites, and have variously ascribed them to mercenary display or to skilful imposture. The

latter has been, perhaps, the more popular interpretation, Englishmen being very reluctant to believe that any one will endure physical torture for the sake of a religion, or still more, that such tortures as those described could be inflicted, not only without injury to the patients themselves, but, as alleged, to their intense delight. Aware of the number and importance of this sect at Kairwan, I was very anxious to witness one of their *sikrs*, or services, and to form my own opinion. Unluckily, it appeared that I had just missed their weekly ceremonial, which had been held on the very evening before I arrived. A happy thought of one of my Maltese friends enabled me to rectify this mischance, and to satisfy my curiosity.

In the morning, as we were walking through the bazaars, one of these gentlemen, who was of a humorous turn and who was interested in the success of my visit, introduced me to the native governor of the city, a fine and portly Arab, as the son of General Boulanger. Though the general was a young-looking man, such a connection was in respect of years just within the bounds of possibility. Moreover our arrivals in the town had coincided, and I had been seen in his company. Good or bad, the idea was greedily swallowed by the governor; burning to testify his loyalty, he overwhelmed me with profuse courtesies, translated as the day wore on into frequent cups of coffee and many cigarettes. The single request he refused me was the gift of his signature, a most beautiful specimen of Arabic calligraphy, which I had noticed at the foot of an official document. Nothing could overcome his suspicion that I might prefix to it some compromising matter, and that the request was in some form or other a snare. *Timeo Danaos et dona ferentes*, was evidently the motto of this astute Oriental.

The success, however, of the experiment as regards my identity supplied the very machinery which was wanted for negotiating a performance of the Aissaouia. What could be more credible and natural than that the son of the French general should wish to see the most distinctive spectacle of Kairwan? Such a petition might even be interpreted as a semi-official compliment to the Moslem faith. My Maltese friends were delighted at the notion, and could not rest till they had paid a special visit to the sheikh or mokaddem of the sect, with the intimation that no less a personage than *Boulanger fils* was desirous of witnessing one of

their famous celebrations. The sheikh was nothing loth, and accordingly it was arranged that on the selfsame night at 9 P.M. I should be conducted to the sanctuary of Aïssa.

When the appointed hour arrived I presented myself at the mosque, which is situated outside the city walls, not far from the Bab el Djuluddin, or Tanners' Gate. Passing through an open courtyard into the main building, I was received with a dignified salaam by the sheikh, who forthwith led me to a platform or divan at the upper end of the central space. This was surmounted by a ribbed and whitewashed dome, and was separated from two side aisles by rows of marble columns with battered capitals, dating from the empire of Rome. Between the arches of the roof small and feeble lamps — mere lighted wicks floating on dingy oil in cups of colored glass — ostrich eggs, and gilt balls, were suspended from wooden beams. From the cupola in the centre hung a dilapidated chandelier in which flickered a few miserable candles. In one of the side aisles a plastered tomb was visible behind an iron lattice. The *mise en scene* was unprepossessing and squalid.

My attention was next turned to the *dramatis persona*. Upon the floor in the centre beneath the dome sat the musicians, ten or a dozen in number, cross-legged, the chief presiding upon a stool at the head of the circle. I observed no instrument save the *darabookah*, or earthen drum, and a number of tambours, the skins of which, stretched tightly across the frames, gave forth when struck sharply by the fingers a hollow and resonant note. The rest of the orchestra was occupied by the chorus. So far no actors were visible. The remainder of the floor, both under the dome and in the aisles, was thickly covered with seated and motionless figures, presenting in the fitful light a weird and fantastic picture. In all there must have been over a hundred persons, all males, in the mosque.

Presently the sheikh gave the signal for commencement, and in a moment burst forth the melancholy chant of the Arab voices and the ceaseless droning of the drums. The song was not what we should call singing, but a plaintive and quivering wail, pursued in a certain cadence, now falling to a moan, now terminating in a shriek, but always pitiful, piercing, and unutterably sad. The tambours, which were struck like the keyboard of a piano, by the outstretched fingers of the hand, and occasionally, when a louder note was



required, by the thumb, kept up a monotonous refrain in the background. From time to time, at moments of greater stress, they were brandished high in the air and beaten with all the force of fingers and thumb combined. Then the noise was imperious and deafening.

Among the singers, one grizzled and bearded veteran, with a strident and nasal intonation, surpassed his fellows. He observed the time with grotesque inflections of his body; his eyes were fixed and shone with religious zeal.

The chant proceeded, and the figures of the singers, as they became more and more excited, rocked to and fro. More people poured in at the doorway, and the building was now quite full. I began to wonder whether the musicians were also to be the performers, or when the latter would make their appearance.

Suddenly a line of four or five Arabs formed itself in front of the entrance on the far side of the orchestra, and exactly opposite the bench on which I was sitting. They joined hands, the right of each clasped in the left of his neighbor, and began a lurching, swaying motion with their bodies and feet. At first they appeared simply to be marking time, first with one foot and then with the other; but the movement was gradually communicated to every member of their bodies; and from the crown of the head to the soles of the feet they were presently keeping time with the music in convulsive jerks and leaps and undulations.

This mysterious row of bobbing figures seemed to exercise an irresistible fascination over the spectators. Every moment one or other of these left his place to join its ranks. They pushed their way into the middle, severing the chain for an instant, or joined themselves on to the ends. The older men appeared to have a right to the centre, the boys and children — for there were youngsters present not more than seven or eight years old — were on the wings. Thus the line ever lengthened; originally it consisted of three or four, presently it was ten or twelve, anon it was twenty-five or thirty, and before the self-torturings commenced there were as many as forty human figures stretching right across the building, and all rocking backwards and forwards in grim and ungraceful unison. Even the spectators who kept their places could not resist the contagion; as they sat there, they unconsciously kept time with their heads and shoulders, and one child swung his little

head this way and that with a fury that threatened to separate it from his body.

Meanwhile the music had been growing in intensity, the orchestra sharing the excitement which they communicated. The drummers beat their tambours with redoubled force, lifting them high above their heads, and occasionally, at some extreme pitch, tossing them aloft and catching them again as they fell. Sometimes in the exaltation of frenzy they started spasmodically to their feet and then sank back into their original position.

And now the oscillating line in front of the doorway for the first time found utterance. As they leaped high on one foot, alternately kicking out the other, as their heads wagged to and fro and their bodies quivered with the muscular strain, they cried aloud in praise of Allah. "La ilaha ill Allah!" (There is no God but Allah) this was the untiring burden of their strain. And then came "Ya Allah!" (O God), and sometimes "Ya Kahhar!" (O avenging God), "Ya Hakk!" (O just God), while each burst of clamorous appeal culminated in an awful shout of "Ya Hoo!" (O Him).

The rapidity and vehemence of their gesticulations was now appalling; their heads swung backwards and forwards till their foreheads almost touched their breasts, and their scalps smote against their backs. Sweat poured from their faces; they panted for breath; and the exclamations burst from their mouths in a thick and stertorous murmur. Suddenly, and without warning, the first phase of the zikr ceased, and the actors stood gasping, shaking, and dripping with perspiration.

After a few seconds' respite the performance recommenced, and shortly waxed more furious than ever. The worshippers seemed to be gifted with an almost superhuman strength and energy. As they flung themselves to and fro, at one moment their upturned faces gleamed with a sickly polish under the flickering lamps, at the next their turbaned heads all but brushed the floor. Their eyes started from the sockets; the muscles on their necks and the veins on their foreheads stood out like knotted cords. One old man fell out of the ranks breathless, spent, and foaming. His place was taken by another, and the tumultuous orgy went on.

And now, as the ecstasy approached its height and the fully initiated became *mel-boos*, or possessed, they broke from the stereotyped litany into demoniacal grin-

ning and ferocious and bestial cries. These writhing and contorted objects were no longer rational human beings, but savage animals, caged brutes howling madly in the delirium of hunger or of pain. They growled like bears, they barked like jackals, they roared like lions, they laughed like hyænas; and ever and anon from the seething rank rose a diabolical shriek, like the scream of a dying horse, or the yell of a tortured fiend. And steadily the while in the background resounded the implacable reverberation of the drums.

The climax was now reached; the requisite pitch of cataleptic inebriation had been obtained, and the rites of Aissa were about to begin. From the crowd at the door a wild figure broke forth, tore off his upper clothing till he was naked to the waist, and throwing away his fez, bared a head close-shaven save for one long and dishevelled lock that, springing from the scalp, fell over his forehead like some grisly and funereal plume. A long knife, somewhat resembling a cutlass, was handed to him by the sheikh, who had risen to his feet and who directed the phenomena that ensued. Waving it wildly above his head and protruding the forepart of his figure, the fanatic brought it down blow after blow against his bared stomach, and drew it savagely to and fro against the unprotected skin. There showed the marks of a long and livid weal, but no blood spurted from the gash. In the intervals between the strokes he ran swiftly from one side to the other of the open space, taking long, stealthy strides like a panther about to spring, and seemingly so powerless over his own movements that he knocked blindly up against those who stood in his way, nearly upsetting them with the violence of the collision.

The prowess or the piety of this ardent devotee proved extraordinarily contagious. First one and then another of his brethren caught the afflatus and followed his example. In a few moments every part of the mosque was the scene of some novel and horrible rite of self-mutilation, performed by a fresh aspirant to the favor of Allah. Some of these feats did not rise above the level of the curious but explicable performances which are sometimes seen upon English stages — *e.g.*, of the men who swallow swords, and carry enormous weights suspended from their jaws; achievements which are in no sense a trick or a deception, but are to be attributed to abnormal physical powers or structure developed by long and often perilous practice. In the Aissaouiian counterpart

of these displays there was nothing specially remarkable, but there were others less commonplace and more difficult of explanation.

Several long iron spits or prongs were produced and distributed; these formidable implements were about two and a half feet in length, and sharply pointed, and they terminated at the handle in a circular wooden knob about the size of a large orange. There was great competition for these instruments of torture, which were used as follows: poisoning one in the air, an Aissaoui would suddenly force the point into the flesh of his own shoulder in front just below the shoulder-blade. Thus transfixed, and holding the weapon aloft, he strode swiftly up and down. Suddenly, at a signal, he fell on his knees, still forcing the point into his body, and keeping the wooden head uppermost. Then there started up another disciple armed with a big wooden mallet, and he, after a few preliminary taps, rising high on tiptoe with uplifted weapon would, with an appalling yell, bring it down with all his force upon the wooden knob, driving the point home through the shoulder of his comrade. Blow succeeded blow, the victim wincing beneath the stroke, but uttering no sound, and fixing his eyes with a look of ineffable delight upon his torturer till the point was driven right through the shoulder and projected at the back. Then the patient marched backwards and forwards with the air and the gait of a conquering hero. At one moment there were four of these semi-naked maniacs within a yard of my feet, transfixed and trembling, but beatified and triumphant.

Another seized an iron skewer, and placing the point within his open jaws, forced it steadily through his cheek until it protruded a couple of inches on the outside. He barked savagely like a dog, and foamed at the lips.

Others, afflicted with exquisite spasms of hunger, knelt down before the chief, whimpering like children for food, and turning upon him imploring glances from their glazed and bloodshot eyes. His control over his following was supreme. Some he gratified, others he forbade. At a touch from him they were silent and relapsed into quiescence. One maddened wretch who, fancying himself some wild beast, plunged to and fro, roaring horribly and biting and tearing with his teeth at whomever he met, was advancing, as I thought, with somewhat menacing purpose in my direction when he was arrested by

his superior and sent back cringing and cowed.

For those whose ravenous appetites he was content to humor the most singular repast was prepared. A plate was brought in, covered with huge, jagged pieces of broken glass, as thick as a shattered soda-water bottle. With greedy chuckles and gurglings of delight one of the hungry ones dashed at it, crammed a handful into his mouth, and crunched it up as though it were some exquisite dainty, a fellow disciple calmly stroking the exterior of his throat, with intent, I suppose, to lubricate the descent of the unwonted morsels. A little child held up a snake or sand-worm by the tail, placing the head between his teeth, and gulped it gleefully down. Several acolytes came in, carrying a big stem of the prickly pear, or *fico d' India*, whose leaves are as thick as a one-inch plank, and are armed with huge projecting thorns. This was ambrosia to the starving saints; they rushed at it with passionate emulation, tearing at the solid slabs with their teeth, and gnawing and munching the coarse fibres, regardless of the thorns which pierced their tongues and cheeks as they swallowed them down.

The most singular feature of all, and the one that almost defies belief, though it is none the less true, was this—that in no case did one drop of blood emerge from scar, or gash, or wound. This fact I observed most carefully, the mokaddem standing at my side, and each patient in turn coming to him when his self-imposed torture had been accomplished and the cataleptic frenzy had spent its force. It was the chief who cunningly withdrew the blade from cheek or shoulder or body, rubbing over the spot what appeared to me to be the saliva of his own mouth; then he whispered an absolution in the ear of the disciple and kissed him on the forehead, whereupon the patient, but a moment before writhing in maniacal transports, retired tranquilly and took his seat upon the floor. He seemed none the worse for his recent paroxysm, and the wound was marked only by a livid blotch or a hectic flush.

This was the scene that for more than an hour went on without pause or intermission before my eyes. The building might have been tenanted by the harpies or læstrigones of Homer, or by some inhuman monsters of legendary myth. Amid the dust and sweat and insufferable heat the naked bodies of the actors shone with a ghastly pallor and exhaled a sickening smell. The atmosphere reeked with heavy

and intoxicating fumes. Above the despairing chant of the singers rang the frenzied yells of the possessed, the shrieks of the hammerer, and the inarticulate cries, the snarling and growling, the bellowing and miauwling of the self-imagined beasts. And ever behind and through all re-echoed the perpetual and pitiless accompaniment of the drums. As I witnessed the disgusting spectacle and listened to the pandemonium of sounds, my head swam, my eyes became dim, my senses reeled, and I believe that in a few moments I must have fainted had not one of my friends touched me on the shoulder, and whispering that the mokaddem was desirous that I should leave, escorted me hurriedly to the door. As I walked back to my quarters, and long after through the still night, the beat of the tambours continued, and I heard the distant hum of voices, broken at intervals by an isolated and piercing cry. Perhaps yet further and more revolting orgies were celebrated after I had left. I had not seen, as other travellers have done, the chewing and swallowing of red-hot cinders,\* or the harmless handling and walking upon live coals. I had been spared that which others have described as the climax of the gluttonous debauch, viz., the introduction of a live sheep, which then and there is savagely torn to pieces and devoured raw by these unnatural banquetters. But I had seen enough, and as I sank to sleep, my agitated fancy pursued a thousand avenues of thought, confounding in one grim medley all the carnivorous horrors of fact and fable and fiction; and loud above all the din and discord the tale of the false prophets of Carmel, awakened by the train of association, rang in my ears, and I seemed to hear intoned with remorseless reiteration the words: "And they cried aloud and cut themselves after their manner with knives and lancets, till the blood gushed out upon them."

The facts which I have described, the absolute genuineness of which will, I doubt not, be vouched for by others who have had a similar experience to myself, speak for themselves. I have heard these and cognate exhibitions lightly dismissed as the outcome of jugglery or imposture. In this case I do not hesitate to affirm that there was no deception whatever; the means were lacking, even if the motive had existed, which it did not. Nothing is to be gained, on the contrary a great deal,

\* For an account of this exploit, *vide* Lane's "Modern Egyptians," cap. xxv.; and compare the description of Richardson, the famous fire-eater, in Evelyn's Memoirs for October 8th, 1672.

from the point of view of science, is to be lost by hastily ascribing to artifice that which is the most interesting and a very imperfectly understood manifestation of natural laws. These phenomena are in reality so closely allied to those produced in various and well-known states of hypnotism, catalepsy, ecstasy, and hysteria, as to deserve a more minute physiological analysis than they have so far obtained. The disorder, we might almost say the inversion, of ordinary sensations, complete insensibility to pain, mental delusions, violent muscular contortions, strong emotional excitement finding vent in wild utterances and extravagant gesticulations, all these are familiar symptoms of one or other of the affections named. It is, I believe, now generally admitted that hypnotism, or as it is sometimes erroneously called, animal magnetism, is not produced by any occult force transmitted from an operator to a patient, but arises from a deranged physical and mental condition in the organization of the subject concerned. None the less are these conditions as a rule excited by the intervention or influence of some other person. I trace this difference between these more common phenomena and those of the Aïssaouia of Kairwan that, with the latter, no exterior assistance seemed to be required, unless indeed a gregarious mesmeric potency were supposed to lurk in the entire fraternity of the adepts. The case appeared to be one of self-induced hypnotism or mesmeric trance, the subject voluntarily surrendering all control of his own volition till he had attained the requisite pitch of mental hallucination and bodily anæsthesia, when, under the influence of his surroundings, he repeated, almost with the mechanism of an automaton, the extraordinary actions which I have described. If my impression is correct, they deserve not only to fill a space on the page of history, but to be admitted to the field of science. What facts attest, theory cannot afford to despise.

GEORGE N. CURZON.

From The Spectator.

THE DEFICIENCIES OF A "WELL-REGULATED MIND."

SIR JOHN LUBBOCK, in the pleasant little book, to which we have once before referred, on "The Pleasures of Life," has produced what we may regard as a very taking picture of what used to be called,

in the days of Miss Edgeworth and her contemporaries, a "well-regulated mind." A well-regulated mind is, according to this book, a mind that insists on the duty of happiness and rejoices in the happiness of duty; that exults in the inexhaustible treasures of books, and has a happy art of selecting them well; that is duly grateful for the blessings of friends and has a deep sense of the value of time; that enjoys the pleasures of travel and the still greater pleasures of home; that is so rich in intelligent curiosity that science is a constant source of ever new delight, and has a turn for educating others so that every country walk may be a pleasure to the young under its influence, and every school over which it has any control may be a centre of vivid and harmless enjoyment. The book is a very thoughtful book, showing Sir John's various and happily selected reading; and yet after reading it and turning again to the preface, one draws a sigh of relief at the sentence which lets out the secret that it does not perfectly represent what the accomplished author *is*, but only what it is his ideal to be. "Being myself," he writes, "rather prone to suffer from low spirits, I have at several of these gatherings" [gatherings where he was asked to give away prizes and to improve the occasion] "taken the opportunity of dwelling on the privileges and blessings we enjoy . . . hoping that the thoughts and quotations in which I have myself found most comfort may perhaps be of use to others also." It seems a rather unkind state of mind to feel real relief that any man to whom all these beautiful thoughts are familiar should suffer from "low spirits," and we are far from rejoicing in the bare facts of any man's low spirits, least of all in the low spirits of one to whom we owe so large a debt for exciting our interest, giving us good counsel, and standing up firmly for what is wise and right when men of genius are leading the multitude into dangerous paths, as we do to Sir John Lubbock. Nevertheless, it must even be confessed that there is a deep sense of relief in ascertaining that a mind nourished on all these admirable thoughts is not absolutely guaranteed against depression by counsels of perfection so sober and so enlightened. Only a few years ago it was the fashion to panegyrize and emulate men who derived their credit for the most part from having what the Edgeworths of the early days of the century would have called ill-regulated minds. Carlyle introduced a school of preference

much more fascinating and much more likely to be put to evil uses than Sir John Lubbock's — a school which regarded hypochondria as a sort of merit. All the older men amongst us will remember the consequences of Carlyle's panegyrics on those who suffered from what he termed hypochondria, but what the world is apt to call blue-devils. "Poor Cromwell! Great Cromwell!" he wrote in his "Hero-Worship," "the inarticulate Prophet; Prophet who could not *speak*. Rude, confused, struggling to utter himself, with his savage depth, with his wild humanity; and he looked so strange among the elegant Euphuisms, dainty little Falklands, didactic Chillingworths, diplomatic Clarendons! Consider him. An outer hull of chaotic confusion, visions of the devil, nervous dreams, almost semi-madness; and yet such a clear determinate man's energy working in the heart of that. A kind of chaotic man. The ray as of pure starlight and fire, working in such an element of boundless hypochondria, *unformed* black of darkness! And yet withal, this hypochondria, what was it but the very greatness of the man? The depth and tenderness of his wild affections; the quantity of *sympathy* he had with things, the quantity of insight he would yet get into the heart of things, the mastery he would yet get over things; this was his hypochondria. The man's misery, as man's misery always does, came of his greatness. Samuel Johnson, too, is that kind of a man. Sorrow-stricken, half-distracted; the wide element of mournful *black* enveloping him, — wide as the world. It is the character of a prophetic man; a man with his whole soul *seeing* and struggling to see." We can many of us remember what an unfortunate influence Carlyle had in introducing an affectation of hypochondria into the literature of England, in spite of the fact that he gave us some new glimpses into the true causes of human melancholy and the confusions of the universe. Undoubtedly, when Carlyle got hold of men who were not very genuine men indeed, his pupils were more injured than helped by these fantastic doctrines of his, these praises of hypochondria, of Norse fury, of the frenzy of reckless souls, of the sullenness of hearts that found themselves at odds with the world, and supposed that it was because their world was unworthy of them, not because they were unworthy of their world. It is very curious to contrast the ideal of Sir John Lubbock's educational addresses with the ideal of Carlyle's lectures on the

characters which he held up to our admiration. But the outcome of the comparison is, as we have said, that while we feel how much better Sir John Lubbock's counsels are for the purpose of impressing the greater number of those who are looking out for guidance in the way of education, we are distinctly thankful to find that the accomplished author of these addresses does not himself find in his own ideals any satisfaction so deep that he can deny the existence of a considerable void to be filled up even after he has taken to heart all these beautiful counsels.

For the truth is that, much as we enjoy reading these addresses and appreciate the happy form generally given to the advice which Sir John Lubbock has collected for us from all the regions of literature, we rebel against the ideal as a whole. The addresses imply that human nature can be, what it cannot be, self-centred, and yet benignant, intelligent, and happy, and therefore it is that one feels a sensible relief when the author intimates that these thoughts do not satisfy him after all, though they are the thoughts in which he has found "most comfort." Consider, for example, the lesson which Sir John enforces from the boasts of Epictetus, and consider those boasts themselves: "If, indeed," says Sir John, "we cannot be happy, the fault is generally in ourselves. Epictetus was a poor slave, and yet, how much we owe him!" And then he quotes from Epictetus: "How is it possible that a man who has nothing, who is naked, houseless, without a hearth, squalid, without a slave, without a city, can pass a life that flows easily? God has sent you a man to show you that it is possible. Look at me, who am without a city, without a house, without possessions, without a slave; I sleep on the ground; I have no wife, no children, no prætorium, but only the earth and heavens and one poor cloak. And what do I want? Am I not without sorrow? Am I not without fear? Am I not free? When did any of you see me failing in the object of my desire? or ever falling into that which I would avoid? Did I ever blame God or man? Did I ever accuse any man? Did any of you ever see me with a sorrowful countenance? And how do I meet with those whom you are afraid of and admire? Do not I treat them like slaves? Who when he sees me does not think that he sees his king and master?" "Think," says Sir John, after giving us this picture of Epictetus drawn by Epictetus himself, "how much we have to be thankful for." A great deal,



no doubt; but this delineation of himself by Epictetus is hardly, in our opinion, one of our blessings. The profound moral pride in that picture is, to our mind at all events, revolting. We prefer the deep-rooted gloom and hypochondria which Carlyle so vaunts in Cromwell and Johnson, to the self-congratulation of the Stoic teacher on impressing every one who saw him with the notion that he was their king and master. He was not their king and master, and he had too deep a self-knowledge to believe wholly that he was. He concealed, we believe, anxiously from himself, the depth of his own self-dissatisfaction. Or take another of Sir John's counsels, given us in the address on "The Value of Time," the one borrowed from Sir Arthur Helps. "In London," says Sir John, "we may unavoidably suffer, but" (with all the museums and galleries to which we have access) "no one has any excuse for being dull." And yet some people *are* dull. They talk of a better world to come, while whatever dullness there may be here is all their own. Sir Arthur Helps has well said: "What! dull, when you do not know what gives its loveliness of form to the lily, its depth of color to the violet, its fragrance to the rose; when you do not know in what consists the venom of the adder, any more than you can imitate the glad movements of the dove! What! dull, when earth, air, and water are all alike mysteries to you, and when as you stretch out your hand you do not touch anything the properties of which you have mastered; while all the time Nature is inviting you to talk earnestly with her, to understand her, to subdue her, and to be blessed by her! Go away, man; learn something, do something, understand something, and let me hear no more of your dullness." With great deference to Sir John Lubbock, we must say that that rather pedantic burst of a thoroughly well-regulated mind on the part of Sir Arthur Helps, does not inspire in every reader a strong desire to have such a well-regulated mind for himself. What in the world has it to do with the dullness of "such beings as we are in such a world as the present," that we are not acquainted with the secret of the venom of the adder, the color of the violet, and the perfume of the rose? Can a more priggish bit of didacticism be conceived than the advice to one who is, we may suppose, heavy with the sense of his own powerlessness to be of any substantial service to himself or his fellow-men, to consider the causes of the venom of the

adder or of the perfume of the rose? Is not even the gloomy hypochondria of a Cromwell or a Johnson a better ideal than the docility of a mind which, when it is weary of its own stagnation,—of the leadenness of its own efforts as it tries to overtake the duties before it,—can at once accept the kind invitation to cure itself by addressing itself to the causes of the venom of the adder or the perfume of the rose? The truth is that the people who give us this sort of advice do not understand the maladies from which human nature suffers most, while Carlyle at least did understand them, though he could not suggest any effectual remedy. There is clearly something in us which will engender a very deep hypochondria indeed, if our only health is to be found in the gratification of an intelligent curiosity such as that which Sir Arthur Helps worked himself up into recommending in tones of semi-theatrical authority. The philanthropists, whose ideal of a good work in life is to make men "benignant, intelligent, and clean," do not know the stuff of which human nature is made. And we very much wish that Sir John Lubbock, who has admitted that in spite of all these delightful resources of a cultivated intellect, he is prone to suffer from low spirits, would, in his future addresses, pierce a little below "the duty of happiness" and the "happiness of duty," and examine not the secret of "the venom of the adder and the perfume of the rose," but the root of that deep hypochondria in human nature, of which Carlyle so much overrated the moral value, and for which Epictetus certainly had not found the cure, though he gave it out so loudly that he had cured himself.

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From The Nineteenth Century.

#### THE CREATURES WE BREATHE.

THAT the air we breathe is more or less laden with living organisms is a fact which is far from acceptable to most persons, and yet it would require but little persuasion to convince the majority of mankind that air without organisms would be undesirable indeed; for without one micro-organism at least, which is very widely distributed in the air, we should have to forego those numerous, complex, and much appreciated pleasures which are derived from the consumption of alcohol in its various forms. How many would vote the earth flat and stale but for the

products which are alone elaborated by yeast, which was the first micro-organism to receive attention, and which, in spite of the many powerfully organized endeavors to undermine its position, is likely also to be the last to absorb the interest of man.

But there are other micro-organisms in the air besides yeast, and it is the firm conviction that many zymotic diseases are propagated by means of air-carried microbes, that renders the investigation of the subject of aerial micro-organisms peculiarly interesting and attractive.

The systematic examination of the aerial microbia commences with those marvellous discoveries with which the name of Pasteur is so inseparably connected, and with which the latter half of the nineteenth century will forever be associated.

These now classical researches of Pasteur's on the presence of micro-organisms in the atmosphere were undertaken in connection with the fierce controversy which raged thirty years ago on the *spontaneous generation of life*.

The supporters of this doctrine contended that the presence of the smallest particle of air was sufficient to determine the generation of low forms of life in certain highly putrescible substances, such as milk, blood, broth, and the like. But the opposition to this theory, marshalled by M. Pasteur, contended that it was not the air, but *certain living germs suspended in the air*, which, gaining access to these putrescible materials, give rise to those growths which make their appearance in them.

That Pasteur succeeded in proving the truth of this assumption is now well known, and it was in connection with the elaborate and beautifully planned investigation which he conducted, to place it beyond all reach of doubt, that we have handed down to us the first systematic series of experiments made on the presence of micro-organisms in the atmosphere.

Pasteur exposed specially prepared flasks containing some highly nourishing fluid, such as clear broth, in various places, with the following striking results.

Of twenty exposed in the open country of Arbois, eight became subsequently turbid, or, in other words, eight had become contaminated with micro-organisms. Of twenty exposed on the lower heights of the Jura mountains, five became affected, whilst out of twenty others exposed at the Montanvert, close to the Mer de Glace, at

a height of upwards of six thousand feet, only one flask broke down.

Thus it appears that the higher the altitude reached, and the greater the distance from human habitations, the purer, as regards the presence of micro-organisms, is the atmosphere. These are facts which subsequent experiments by other methods have fully borne out.

The beautiful experiments which Professor Tyndall carried out in this country on the presence of micro-organisms in air are well known to all, and it is to him we owe the important discovery of the rapid subsidence of these microbes in calm air. Miquel again has shown how dependent is the distribution of these microbes in air upon their surroundings, by the experiments made at Montsouris at different seasons of the year; but the following results obtained in London, and by a more recent and more accurate method, show very clearly that the maximum number is to be found in the hottest months of the year.

Thus, in a volume of air equal to about two gallons (ten litres) collected on the top of the Science and Art Department buildings at South Kensington, at a height, therefore, of some seventy feet from the ground, and so removed from any local disturbance of the air, I found the following numbers of micro-organisms in the several months of the past year:—

January, 4.	August, 105.
March, 26.	September, 43.
May, 31.	October, 35.
June, 54.	November, 13.
July, 63.	December, 20.

In the country, as might have been anticipated, I have found a very appreciably smaller number of micro-organisms than in air in London. Moreover, the more remote the place is from houses and from the frequented thoroughfares of traffic, the dust of which is always rich in refuse organic matter, the freer does the air become from suspended microbes. Thus the air of an extensive heath near Norwich was found to contain from five to seven micro-organisms in the two gallons of air, whilst in that of a garden near Norwich were found as many as thirty-one. Again, on the Chalk Downs in Surrey I found on one occasion only two; this, however, was very early in the year (February, 1886), and snow was on the ground; later on, at the end of May in the same year, I found thirteen, but in a garden near Reigate on the same day there were twenty-five. So that there is a considerable difference

found in the microbial richness of the air in different places in the country. I have also tested the London air under the most favorable condition, viz.: in the open spaces in the parks, and these experiments show that although such air generally contains fewer microbes than the air even on the roof of the Science Schools (at a height of seventy feet), yet the number is in excess of that found in the country, although the situations chosen were large surfaces of grass from which little or no dust could be blown about. But the air in the streets was found to contain numbers immensely in excess of anything that was discovered in the country, the result being in some instances as high as five hundred and fifty-four in the two gallons of air. This last figure was obtained in the Exhibition Road on a dry and dusty day when vast multitudes of people were thronging to the Colonial and Indian Exhibition which was then open.

The striking contrast to the number of micro-organisms found in the various places previously referred to is the number found in the air at sea. I have not myself had an opportunity of making any experiments at sea, but some have recently been made by Dr. Fischer, a surgeon in the German navy. From his experiments it would appear that the maximum distance to which, under ordinary circumstances, micro-organisms can be transported across the sea lies between seventy and one hundred and twenty sea miles, and that beyond this distance they are almost invariably absent. A point of particular interest in connection with Dr. Fischer's experiments is that they show in a very striking manner that the microbes, which are always abundantly present in ordinary sea-water, are not communicated to the air excepting in the closest proximity to the surface, even when the ocean is much disturbed.

Before passing on to the microbial condition of the air within doors, I will just briefly refer to some experiments which I made at different altitudes, fully confirming those of Pasteur to which reference has already been made. Two gallons of air examined on the top and at the bottom of Primrose Hill, gave respectively nine and twenty-four micro-organisms. Again, the same volume of air examined at Norwich Cathedral on the top of the spire (300 feet) gave seven, on the tower (180 feet) nine, whilst on the ground eighteen were found.

Again, at St. Paul's Cathedral, the Golden Gallery yielded eleven, the Stone

Gallery thirty-four, whilst the churchyard gave seventy.

Within doors we find that the number of micro-organisms suspended in the air depends, as we should have expected, upon the number of people present, and the amount of disturbance of the air which is taking place. In illustration of this the following experiments made at one of the Royal Society's conversazioni held at Burlington House last year may be mentioned. At the commencement of the evening, when a number of persons were already present, and the temperature was at 67° Fahr., the two gallons of air examined yielded 326 organisms; later on, as the rooms became densely crowded, as indicated by the temperature rising to 72° Fahr., the number reached 432. The next morning, on the other hand, when the room was empty, the air yielded only 130, but even this is doubtless in excess of the number which would be present in the room in question under normal conditions, in which, judging from experience, I should expect to find about 40 to 60 in the same volume of air. Again, I found that the air in the large entrance hall of the Natural History Museum in Cromwell Road yielded under ordinary conditions from 50 to 70 organisms in the same volume, but on Whit-Monday, when an immense number of visitors were present in the building, I found as many as 280. Again, on a paying day at the South Kensington Museum, I found about 18, but on the Saturday, when no entrance fee is charged, there were as many as 73 organisms present in the same volume.

As an instance of the immense number of microbes which may under given circumstances be found suspended in the atmosphere, the following experiments, showing *the number falling on one square foot in one minute*, may be mentioned. The first experiment was made in a railway carriage (third class) on a journey from Norwich to London. Soon after leaving Norwich I tested the air; there were at the time four persons in the carriage, one window was closed, the other open, and the experiment was made near the open window. I found that under these conditions 395 organisms were falling on the square foot in one minute. On reaching Cambridge, the carriage was taken possession of by a number of men returning from Newmarket races, and remained quite full (ten persons) to London. About halfway between Cambridge and London I made a second experiment, one window being shut, and the other

only open four inches at the top; the air was tested near the closed window, with the result that no less than 3,120 organisms were found to be falling on the square foot in one minute. On another occasion I made an experiment in a barn in which flail-threshing was going on. The atmosphere was visibly laden with dust, and on testing it I found that upwards of 8,000 organisms were falling on the square foot in one minute. It would probably be difficult to find a place in which the number of suspended microbes was greater than this, the great abundance of bacterial life in the material under treatment, the dryness of the latter, and the violent commotion occasioned by the threshing being all highly conducive to the distribution of an enormous multitude of micro-organisms throughout the air.

The careful study of the various micro-organisms present in air has hitherto received but little attention; it is, however, well known that important functions are performed by them in the laboratory of nature, but only in very few cases has any particular action been identified with a specific micro-organism. Apart from the theoretical interest attaching to the particular work performed by specific micro-organisms, there is the question of the influence which is exerted by these micro-organisms on health. Now, although there have been so far practically no organisms discovered in air which are known to be connected with any of the diseases to which man is subject, yet there cannot be a doubt that, in the immediate vicinity of the foci of infection, such harmful organisms are present, and that their distribution and conveyance through the at-

mosphere must take place in just the same manner as in the case of those micro-organisms which we have been considering. It is, moreover, this familiarity with the circumstances which are favorable or unfavorable to the dissemination of micro-organisms in general which should guide us in avoiding distributive influences coming into play in cases of zymotic disease and in the management of the sick-room generally. Thus it was from considerations of this kind that the principles of antiseptic surgery were laid down by Sir Joseph Lister. The manner in which the presence of micro-organisms in air should be regarded has been recently most concisely described by Professor Burdon Sanderson in the following words:—

Considering that we know the living dust of the air *does* contain organisms which are capable of producing putrefaction and inflammation in wounds—for that is a thing about which we are certain—and that it *may* contain the distinctive or specific poisons of particular diseases; therefore, just as when rabies is prevalent amongst dogs all dogs should be taken care of, or as in countries where there are poisonous snakes care is taken to keep all snakes out of houses, so it behoves every one to be as careful as possible to maintain the air as free as possible from these minute organisms, not because they are all dangerous, but because we do not know where the danger lurks. And hence the importance of acquiring a complete scientific knowledge of everything relating to their natural history, for it is only by the possession of this scientific knowledge that we can hope to become masters of the conditions which influence the development and growth, the origin and existence in the air and water and other media, of these more dangerous organisms on which disease is directly dependent.

PERCY FARADAY FRANKLAND.

**AN ELECTRIC-LIGHTING DIFFICULTY.**—A curious result of electric lighting has been recently displayed. It is well known that the electric light has a powerfully fascinating influence on night moths and other insects, so much so that collectors have availed themselves of it. Spiders are doing the same, to such an extent that the Treasury and other public buildings in Washington have become seriously disfigured by cobwebs since their white fronts have been illuminated by the electric light. The more delicate architectural ornamentation has been concealed, and when the webs are blown down by the wind they hang in slovenly and dirty rags that are by no means acceptable to æsthetic taste.

**SEA TELEGRAPHY.**—Mr. Edison, who is sojourning at Fort Myers, Florida, has been developing a plan for telegraphing between ships at sea. This is not fully disclosed as yet, but it is stated to differ from the plans of Professor Trowbridge and Mr. Graham Bell, who employed wires hung into the sea and charged by electricity. Mr. Edison uses short and long explosions which are transmitted through the water and interpreted by the telephone. He has succeeded in telegraphing in this way between ships several miles apart, and is still engaged in perfecting the system. The object of the apparatus is to supplement the usual speaking-trumpet and fog signals employed at sea.

Engineering.







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